United Nations S/PV.6973

Security Council

Sixty-eighth year

Provisional

6973rd meeting
Wednesday, 5 June 2013, 10 a.m.
New York

President:	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
Members:	Argentina	Ms. Poroli
	Australia	Ms. King
	Azerbaijan	Mr. Sharifov
	China	Mr. Zhang Junan
	France	Mr. Briens
	Guatemala	Mr. Briz Gutiérrez
	Luxembourg	Mr. Maes
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Tarar
	Republic of Korea	Mr. Sul Kyung-hoon
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Gasana
	Togo	Mr. Menan
	United States of America	Mr. DeLaurentis

Agenda

Non-proliferation

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

13-35446 (E)

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The meeting was called to order at 10.05 a.m.

Expression of thanks to the outgoing President

The President: I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Kodjo Menan, Permanent Representative of the Togolese Republic, for his service as President of the Security Council for the month of May 2013. I am sure that I speak for all members of the Council in expressing deep appreciation to Ambassador Menan and his team for the great diplomatic skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Non-proliferation

The President: As this is the first meeting in the newly refurbished Security Council Chamber, on behalf of all Council members I should like to thank the Government of Norway for its generosity in funding the refurbishment.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2013/333, which contains the text of a draft resolution submitted by the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Argentina, Australia, Azerbaijan, China, France, Guatemala, Luxembourg, Morocco, Pakistan, Republic of Korea, Russian Federation, Rwanda, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2105 (2013).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 10.10 a.m.

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President:	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
Members:	Argentina	Mrs. Perceval
	Australia	Ms. King
	Azerbaijan	Mr. Sharifov
	China	Mr. Bo Shen
	France	Mr. Briens
	Guatemala	Mr. Briz Gutiérrez
	Luxembourg	Mr. Maes
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Masood Khan
	Republic of Korea	Ms. Sohn Sung-Youn
	Russian Federation	Mr. Zagaynov
	Rwanda	Mr. Gasana
	Togo	Mr. Menan
	United States of America	Mr. DeLaurentis

Agenda

Reports of the Secretary-General on the Sudan

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13-35452 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of the Sudan to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Prosecutor Bensouda.

Ms. Bensouda: It is with a deep sense of frustration, even despair, that my Office presents its seventeenth briefing to the Council on the situation in Darfur, the Sudan, since the Council referred this situation to my Office in 2005, in accordance with resolution 1593 (2005). Regrettably, each briefing has been followed by inaction and paralysis within the Council while the plight of victims of crimes committed in Darfur has gone from bad to worse.

My Office's deep sense of disappointment should come as no surprise to the Council, given the serious concerns shared within the United Nations about the situation in Darfur. In particular, my Office shares the concerns of the head of the Office for the Coordination of Humanitarian Affairs, Valerie Amos, that 300,000 people were displaced in the first five months of 2013 alone — more than were displaced in the past two years. Her warning that the international community cannot let Darfur slip off the radar must be seriously heeded.

As set out in resolution 2091 (2013), adopted 14 February 2013, the ongoing aerial bombardments in Darfur, which can be attributed to only one party in the conflict; the use of sexual violence as a weapon of war; the deliberate imposition of restrictions on the delivery of humanitarian aid even in the face of an urgent humanitarian crisis; and the ongoing impunity for those crimes are major problems for Darfur and for all of us who care about what happens to the Darfuri victims who suffer the brunt of those crimes.

My Office shares the concern of the Council that business relations with the Sudan, if not monitored carefully, could have the effect of facilitating, funding and supporting crimes against civilians. The normalization of relations with the Sudan should not come at such a high price to victims.

I have noted in particular the Council's concern about the actions of some individuals affiliated with the Government of the Sudan and armed groups, who continue to commit violence against civilians, impede the peace process and disregard the demands of the Council. I believe that the link between those different actions is critical. I would submit that those individuals who commit crimes are inherently uninterested in the peace process or the demands of this Council. They do not put the true interests of the Sudan first, and as long as they enjoy impunity for the crimes they commit, they will continue to represent a threat to international peace and security. It is for this reason that the Council referred the situation in Darfur to the International Criminal Court (ICC) in order to address individual criminal responsibility for the most serious crimes of concern to the international community, with a view to ending impunity.

We have done our part, and it is up to the Council to live up to the legitimate expectations of Darfur's victims that individuals alleged to be responsible for their daily sufferings shall be brought to justice. Those individuals are just a few among a population of millions who continue to endure untold daily suffering at the hands of those few. We cannot ignore the disproportionate effects of their actions, which is why my Office is providing a briefing again today.

I echo the concerns of the African Union Peace and Security Council, which were publicized in March 2013, that the Government of the Sudan must end impunity in Darfur by bringing all criminals to justice, must arrest and try those suspected of crimes against the African Union-United Nations Hybrid Operation in Darfur, and must facilitate the work of humanitarian organizations and the delivery of aid by cancelling visa restrictions for staff, which has been described as a federal Government responsibility.

I encourage both the United Nations and the African Union to work together with my Office to monitor actual progress in this regard. We have repeated this call too many times without effect. We cannot simply repeat history in having these discussions. My Office has

taken note of some reports of the prosecution of rebels under the Government of the Sudan's Anti-Terrorism Act, but of no real prosecutions of systematic crimes committed by Government forces. This cannot be allowed to continue.

In my previous report, I expressed my commitment to working with regional organizations endeavouring to contribute to a comprehensive solution. The recommendations of the African Union High-level Panel on Darfur on justice, if implemented, would go a long way towards addressing the challenge of the deliberate imposition and tolerance of impunity not only in Darfur, but in the Sudan as a whole. I encourage the African Union to take up this invitation for dialogue on the justice recommendations of the High-level Panel with enthusiasm and conviction.

I also note reports of the ongoing involvement of ICC indictee Ali Muhammad Ali Abd-Al Rahman, also known as Ali Kushayb, with the Sudanese Central Reserve Police in clashes in Central Darfur in April 2013. According to recent reports, witnesses have placed Kushayb at the centre of an attack on 8 April on the town of Abu Jeradil, 30 kilometres south of Urn Dukhun, riding in a Government vehicle, together with units from the Central Reserve Police, border intelligence and other Government-affiliated militia. Reportedly, large numbers of heavily armed men, most wearing khaki uniforms, arrived in two phases, first on foot and then in vehicles. They shot indiscriminately, burned homes and shops, stole livestock and looted goods. More than 100 civilians were killed, with scores more injured, and more than 30,000 people, mostly women and children, were displaced into Chad. Although most of the refugees are of Salamat ethnicity, members of non-Arab ethnic groups such as Masalit, Kajaksa, Fur, Dajo and Tama also fled the fighting. As one witness said,

> "They did not see any difference between communities, they just wanted people to leave. They stole our cows and burned our crops and took our clothes from our house and burned the house down. We saw them."

Observers have suggested that the Government of the Sudan wanted to appease members of the Misseriya and Ta'isha tribes who participated in the Janjaweed militia by helping them to seize the land of Salamat people, considered by some to be Chadian nationals, and forcibly displacing them in the process. My Office has noted many other such incidents in the past. This is part of an ongoing pattern.

My Office has also pointed with concern to the ongoing involvement of the ICC indictees Ahmad Harun and Abdel Raheem Hussein in alleged crimes elsewhere in the Sudan. Those crimes are of concern to the international community and require urgent and concerted action. Again, this is a question of potential individual criminal responsibility, not of group or organizational responsibility. The repeated travels of President Al-Bashir, particularly to Chad, are also a matter of concern that should receive the attention of the Council. It is of great concern that the Council has failed to act on any of the seven formal communications from the Judges of the International Criminal Court on these matters.

I note the visit to Khartoum from 20 to 23 May of the Head of the Office for the Coordination of Humanitarian Affairs, Valerie Amos, which included a meeting with ICC indictees Omar Al-Bashir, Abdel Raheem Hussein and Ahmad Harun. My Office appreciates the prior notification of the meeting that it received from the United Nations and its assessment that the meeting was considered strictly necessary for carrying out essential United Nations-mandated duties. I strongly encourage the United Nations to conduct an ongoing critical analysis of such contacts in order to assess whether they have indeed contributed to the successful conduct of such duties. We must ask ourselves whether what the United Nations gains from them is worth their cost. We must be careful not to embolden fugitives from justice into thinking that they will be rewarded for manipulating their way into positions of indispensability even as they continue to commit crimes.

I encourage the Security Council to find creative ways to engage with all the relevant organizations dealing with the Darfur situation, including the ICC, to assess progress on shared goals, and particularly, where the ICC is concerned, on the goal of bringing to justice those alleged to have committed the most serious crimes of concern to the international community. Since the Guatemala initiative in October and the informal interactive dialogue last month, the relationship between the ICC and the Council has begun to strengthen in a positive way, and one that is much appreciated. More needs to be done, however, to unlock the potential of our two institutions to prevent and resolve conflicts and to stop the suffering of millions

of victims of crimes committed during such conflicts. We stand ready to continue doing our part, but the time is long past due for the Council to act with courage and conviction by adopting appropriate measures within its mandate to ensure that Sudanese fugitives are brought to justice sooner rather than later.

The President: I thank Prosecutor Bensouda for her briefing.

In accordance with paragraph 29 of presidential note S/2010/507 of July 2010, I encourage both Council and non-Council members to keep their statements to less than five minutes. I shall be closely monitoring this aspect of the Council's working methods during this month. I shall now give the floor to the members of the Security Council.

Mr. Maes (Luxembourg) (*spoke in French*): I would like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her detailed briefing and report on the situation in Darfur, as well as for the investigation and proceedings conducted by the Court. Since the Security Council decided, with its adoption of resolution 1593 (2005), on 31 March 2005, to refer the situation in Darfur, starting from 1 July 2002, to the Prosecutor of the ICC, the Office of the Prosecutor has been transparent in keeping the Council informed about its work, for which we are very grateful. We hope that we will soon be able to deepen the discussion in the framework of an informal interactive dialogue with the Prosecutor such as was held last month on the situation in Libya (see S/PV.6962).

The Prosecutor's semi-annual reports give the Council an opportunity to assess the Court's progress in fighting impunity, along with the obstacles and difficulties it encounters. Unfortunately, many of the concerns that the Council has previously expressed still exist. We therefore deplore the fact that the ICC's arrest warrants against Ahmad Harun, Ali Kushayb, Omar Al-Bashir and Abdel Raheem Hussein have still not been executed, despite the fact that they have been indicted for war crimes, crimes against humanity and, for one of them, genocide.

As Ms. Bensouda recalls in her report, the Sudanese Government forces and armed militias active in Darfur have continued in total impunity with their indiscriminate attacks on the ground on or affecting the civilian population and obstructing humanitarian aid, as well as abductions of and attacks on humanitarian personnel and peacekeepers from the African Union-United Nations Hybrid Operation in Darfur (UNAMID). We are also concerned about the continuing restrictions that the Sudanese authorities are imposing on UNAMID's work and movement. They regularly prevent UNAMID from accessing combat scenes and in particular investigating reported cases of sexual violence.

One particularly disturbing aspect that the Prosecutor's report brings up is the indiscriminate aerial bombardments by the Sudanese Air Force, which have resulted in numerous civilian victims, and the resurgence of inter-community violence, which has produced massive population displacements since the beginning of the year. We condemn the acts of sexual and gender-based violence referred to in the recent report of the Secretary-General on sexual violence in conflict (S/2013/149), as well as violence against children. All those elements constitute violations of resolution 1591 (2005) and other Security Council resolutions on the Sudan, most recently resolution 2091 (2013), adopted on 14 February.

As Ms. Bensouda's report points out, it is the Government of the Sudan's responsibility to comply with Council resolutions, cooperate with the Court and hand over indictees to it. So far, contrary to repeated claims made by the Sudanese authorities, the Sudan has launched no judicial proceedings at all. We must therefore not waver in our determination to ensure that the indictees are made accountable for their actions. There will be no lasting peace in Darfur if we allow crimes against civilians to go unpunished.

Essentially, we are asking all States, whether or not they are parties to the Rome Statute, and every regional and international organization concerned, to cooperate fully with the ICC, as resolution 1593 (2005) demands. In our view, we believe that the Council should reflect on what it can do to help the ICC, in particular in responding to cases of non-cooperation. In that regard, we deplore Chad's non-compliance with the requests for cooperation addressed to it by the Court. That non-compliance was the subject of a decision on 26 March by the Pre-Trial Chamber II of the Court, which President Song transmitted to the Security Council.

Although the Security Council must be consistent, Member States and the Secretariat must also do the same. That is especially true of contact with defendants.

In that regard, we welcome the new guidelines issued by the Secretary-General on 3 April concerning non-essential contact on the part of members of the Secretariat with individuals subject to ICC arrest warrants. We call on all States to follow that example.

In conclusion, I would like to reiterate our thanks to Ms. Bensouda and assure her of Luxembourg's full support for the resolute efforts that her Office continues to make in the fight against impunity. The entire international community must act together to ensure justice for the victims of the conflict in Darfur. Investigating the situation in Darfur has presented an enormous challenge for the Office of the Prosecutor and a huge sacrifice for the witnesses and the victims. That sacrifice must not have been made in vain.

Mr. DeLaurentis (United States of America): I would like to thank Prosecutor Bensouda for her briefing. The United States welcomes the continued role of the International Criminal Court (ICC) in the fight against impunity for atrocities committed in Darfur. We note the progress made in the proceedings in the *Abdallah Banda Abakaer Nourain* and *Saleh Mohammed Jerbo Jamus* case and we hope that trial will be the first of several concerning the situation in Darfur.

At the same time, it remains clear that the Government of the Sudan is still not cooperating with the ICC to execute the outstanding arrest warrants in the Darfur cases, despite its obligations under resolution 1593 (2005). The subjects of those warrants remain at large in the Sudan and continue to cross international borders. The United States stands with the many States that refuse to admit those individuals to their countries and commends those who have spoken out against President Al-Bashir's continued travel. We oppose invitations, facilitation or support for travel by those subject to ICC arrest warrants in Darfur, and we urge other States to do the same.

As the Prosecutor notes, there have been continued instances of non-cooperation. On 26 March, the Court issued a decision that the Republic of Chad had failed to comply with its obligations when it welcomed President Al-Bashir for a visit, his fourth visit to Chad since the ICC issued a warrant for his arrest, on 4 March 2009. Then, on 25 and 26 April, Chad hosted Minister of Defence, Abdel Raheem Hussein and, on 11 May, Chad again hosted President Al-Bashir without any attempt to arrest him. The United States would welcome discussion of follow-up on the ICC's decision, which was referred to the Council.

The Prosecutor's report comes amid ongoing developments related to Darfur that are of great concern to the United States. The United Nations independent expert on the situation of human rights in the Sudan has noted that the Government of the Sudan has not upheld its commitments in the Doha Document for Peace in Darfur to establish credible local justice and accountability mechanisms, nor has it made the Special Court for Darfur operational or requested international observers from the African Union and the United Nations for the Court.

Despite the conviction in February of six Popular Defence Forces soldiers accused of killing a community leader in Abu Zereiga, the latest report (S/2013/225) of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (UNAMID) expresses serious concern about the lack of accountability for violations of human rights and international humanitarian law in Darfur. Furthermore, the United States is deeply concerned about the increasing violence in Darfur, including reports of aerial bombardments targeting or indiscriminately affecting civilians, sexual and gender-based violence and other crimes and continuing attacks on UNAMID peacekeepers. As a result, the United States estimates that 300,000 people have fled fighting in all of Darfur in the first five months of this year, which is more than the total number of people displaced in the past two years together. Moreover, humanitarian access to those large numbers of affected populations continues to be problematic due to restrictions imposed by the Government. On 19 April, one peacekeeper was killed and two were injured in an attack on the UNAMID team site in Muhajiriya by individuals wearing Sudanese army uniforms. We condemn in the strongest terms those continuing attacks on UNAMID peacekeepers and the Sudan's failure to prosecute those responsible.

The escalating violence and deteriorating human rights and humanitarian situation in Darfur must be reversed. Ensuring accountability for serious violations of international law must be part of that effort. Continued impunity for crimes in Darfur has sent a message to Khartoum that there are no consequences for violence against non-combatants, a lesson it has applied tragically not only in Darfur but in the two areas as well. The *Banda and Jerbo* case is an important test, but the Government of the Sudan has much more

to do. The Council must insist that the Sudan fulfil its obligations.

Mr. Gasana (Rwanda): I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing and for the presentation the seventeenth report of the Prosecutor of the International Criminal Court, submitted to the Security Council pursuant to resolution 1593 (2005).

Let me start by saying that Rwanda strongly condemns the continued fighting in the Sudan. We remain deeply concerned about the continued violations of human rights in Darfur, particularly targeted attacks against civilians and sexual and gender-based violence. We acknowledge the efforts made by the Government of the Sudan to improve the security situation in Darfur, which include the establishment of several institutions provided for in the Doha Document for Peace in Darfur, in particular the Darfur Regional Authority and its associated parties.

The nomination of a special prosecutor by the Government of the Sudan to investigate alleged war crimes in Darfur and the establishment of branch judicial offices in the five states of Darfur, as stipulated in the Doha Document, is a significant step towards justice and accountability in Darfur. However, while recognizing the progress made, we believe that much remains to be done. We encourage the Government of the Sudan, including through the special prosecutor, to make additional efforts towards the prosecution and trial of the perpetrators of the most serious crimes in Darfur.

Rwanda believes that only a political solution through the Doha Document for Peace will bring peace to Darfur. We therefore urge all the parties to join that process. However, despite recent progress, the Doha Document has yet to be fully implemented. The progress against critical benchmarks — namely, a comprehensive and inclusive settlement to the conflict, the restoration of stable peace and a secure environment, the strengthening of the rule of law and human rights and the stabilization of the humanitarian situation and facilitation of aid delivery — has been hindered, and even set back, owing to the failure to achieve, or commit to, a comprehensive and inclusive ceasefire among the parties to the conflict.

In that light, we urge the Government of the Sudan and all the signatories to commit to the full implementation of the provisions of the Doha Document, particularly the ceasefire and final security arrangements. We hope that will encourage other armed groups to follow suit. Allow me to stress our continued support for the Doha Document for Peace in Darfur and the African Union (AU) High-level Implementation Panel. The success of the Doha Document will ultimately depend upon the willingness of the signatory parties to abide by its provisions.

Turning to the ICC, our position is well known. Rwanda, like several other members of the Council, is not a signatory to the Rome Statute. We have had an opportunity in the Council to elaborate our position on the Court; I hope we will have more opportunities to further exchange views, including in the framework of informal interactive dialogues with the Prosecutor.

Regarding the indictment issued against President Omer Hassan A. Al-Bashir, we recall that, at seven different Summits of the African Union, starting with that of February 2009, African Heads of State adopted decisions to request that the proceeding be deferred in accordance with article 16 of the Rome Statute. As the lates AU Summit stated, "The search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting peace."

In the same vein, we believe that all African countries that have received President Al-Bashir since his indictment were in conformity with the decisions of the African Union Summits and were pursuing the same goal of peace in the region. It would therefore be unfortunate if they were sanctioned for their efforts towards that end.

In that regard, let me once again underscore the importance of genuine cooperation between the Security Council and regional and subregional organizations. That cooperation goes along with respect for decisions taken by Heads of State of member States of those regional organizations, particularly the African Union and the League of Arab States, both of which are organizations to which the Sudan belongs.

Let me conclude by stating that Rwanda, as a member of the Security Council, a member State of the African Union and the major troop- and police-contributing country to the African Union-United Nations Hybrid Operation in Darfur, will continue to work towards sustainable peace, genuine reconciliation and accountability for the most serious crimes in Darfur, while promoting complementarity and the equal sovereignty of nations.

Mr. Briz Gutiérrez (Guatemala) (*spoke in Spanish*): We would like Ms. Fatou Bensouda for her seventeenth report of the Prosecutor of the International Criminal Court (ICC) pursuant to resolution 1593 (2005).

As indicated in paragraph 2 of that resolution, the Government of the Sudan and all the parties involved in the situation in Darfur must cooperate to assist the Court and its Prosecutor in their activities. On that binding legal basis, investigations and judicial proceedings are carried out in relation to investigations of war crimes, crimes against humanity and genocide, pursuant to the scope of the Statute of the Court.

We take note of the report that provides an update of the activities and judicial proceedings under way, particularly those related to preparations for the trials of Banda and Jerbo and the investigations on alleged attacks against civilian populations in Darfur. We welcome the investigative work carried out by the Office of the Prosecutor pursuant to the request made through resolution 1593 (2005). That work contributes to putting an end to impunity in the region of Darfur.

We are concerned at the description in the report of multiple alleged aerial attacks by the Sudanese Armed Forces, which are targeting the civilian population. Likewise, indications that during recent periods the tensions between the Sudanese Armed Forces and the rebel movements have been accentuated, which, taken together with the inter-community confrontations in disputes relating to natural resources, has contributed to rising tensions in the already troubled region, leading to an increase in the number of internally displaced persons, which in the first five months of this year alone reached the level of 300,000 people. Equally alarming are the references to alleged incidents related to sexual and gender-based violence, crimes and attacks against human rights officials, humanitarian staff and Blue Helmets. All such events deserve documented investigations so that they do not go unpunished. All of the alleged acts strike at the integrity of the civilian population and thus affects the fragile peace process based on the Doha Document for Peace in Darfur.

As a State party to the International Criminal Court and consistent with our foreign policy of adhering to international human rights instruments, Guatemala cannot ignore the suffering caused to the population, the serious acts committed in Darfur or the investigations that recount actions that would result in acts of genocide and crimes against humanity.

We reiterate our concern with regard to the failure to execute the arrest warrants against the four individuals identified in the report of the Prosecutor. Although we understand the extraordinary sensitivity that carrying out investigations and cooperating with the ICC in this area represents for the Government of the Sudan, the lack of cooperation by that Government is unacceptable. We are also concerned that some States parties to the Court are not cooperating in the execution of requests for arrest, particularly when some of the individuals subject to those requests have travelled to their country.

Once again, we call upon the Government of the Sudan and the parties involved in the judicial investigations to cooperate effectively and responsibly with the Court in order to guarantee accountability with regard to crimes committed and judicial proceedings under way.

We consider it fundamental to strengthen cooperation between the Security Council and the International Criminal Court, including through the effective follow-up of referrals from the Security Council. We hope that the existing cooperation can be renewed, combining the legal and political aspects of maintaining international peace and security. That does not signify, of course, any politicization of the Court or that the Council is becoming more legalistic, but a combination of both bodies, each acting in its respective fields of action in order to meet their shared mandate to prevent conflict and fight impunity. The effectiveness of that cooperation, referred to in the Rome Statute and reflected in resolution 1593 (2005), requires the political will of all States.

The challenges in the current context are enormous, particularly given the deterioration in the security situation in Darfur, made worse by the prevailing impunity. The international community must show itself united when there is a lack of cooperation with the Court. We welcome and conceptually support the guidelines relating to non-essential contacts and hope that they will be systematically applied, because not only is that notion consistent with the agreement between the United Nations and the International Criminal Court but it is also appropriate.

Finally, we reiterate to the Prosecutor of the International Criminal Court the support and cooperation of Guatemala as she strives to fulfil her mandate.

Mr. Briens (France) (*spoke in French*): I would like to convey my gratitude to the Prosecutor for her briefing. There are great many lessons to be learned from the report.

As Ms. Bensouda has noted by referring to resolution 2091 (2013), adopted on 14 February, and to the recent data published by the Office for the Coordination of Humanitarian Affairs, there is no disagreement within the international community regarding the current state of affairs. The fate of civilians in Darfur remains unacceptable. The Government and the militia forces that it has integrated within the security forces continue to target civilians. Neither the African Union-United Nations Hybrid Operation in Darfur (UNAMID) nor the humanitarian personnel present there enjoys the necessary freedom of access to exercise their protection mandate.

The Prosecutor has identified a number of areas of concern, which we share. Despite the Government's attempts to dissimulate, the reports confirm aerial bombardments by the Sudanese Air Force, which is mostly affecting civilians. Sudanese security forces are involved in attacks on civilians, which are hastily represented as intertribal clashes. Sexual violence in displaced persons camps is widespread. Human rights defenders, international experts and humanitarian workers are threatened. The work of humanitarian workers and UNAMID is obstructed, keeping them from preventing incidents and providing relief to civilians.

Nearly nine years after the referral to the Court by the Council, four individuals accused of war crimes and crimes against humanity, including one accused of genocide, continue to evade the Court, in full sight of all, despite the arrest warrants issued against them by the International Criminal Court. President Al-Bashir, former militia leader Ali Kushayb, Defence Minister Abdelrahim Mohamed Hussein and current governor of South Kordofan Ahmed Haroun are free. Those four people, who are wanted for the massacre and displacement of thousands of civilians or accused of having committed genocide in ways they hoped would be invisible, including through rape, persecution and the intentional blocking of access to aid, are still in key positions and able to order further abuses. As highlighted in the Council, impunity has encouraged them to use the same methods in South Kordofan as in Darfur. It is the same crime, same perpetrators, same modus operandi and, especially, same victims — civilians.

There is also no disagreement on how to break the cycle of violence. All facets of the Peace Agreement must be implemented in good faith and extended to the rebel groups that continue to refuse to enter into negotiations; civilians must be protected by allowing UNAMID to implement its mandate; humanitarian access must be ensured; and those responsible for crimes must be prosecuted. The Council has said as much, and the African Union does not say otherwise.

The Office of the Prosecutor and the Judges of the Court have done their share of work through preliminary analysis of crimes, investigations, the issuance of five arrest warrants against four individuals and legal proceedings against rebels who have decided to give themselves up voluntarily. The first trial against the rebel leaders is set for May 2014 for the attacks against peacekeeping soldiers in Haskanita.

The Sudan, in turn, is not fulfilling its responsibilities. Despite repeated announcements and the increase in the number of special national courts meant to prosecute serious crimes committed in Darfur, no legal proceedings have been undertaken. Unlike Libya, which is legally committed to the ICC, the Sudan has taken no steps to try the persons who have been charged. The Prosecutor's Office has reviewed the work of all the special courts established since 2005. They have done nothing. Criminals have full immunity. That is also the finding of the African Union High-level Panel on Darfur.

Finally, I note that the implementation of the peace process has serious gaps. Reconstruction is stalled, the return of displaced persons and refugees has been delayed, and the resurgence of fighting has increased populations' insecurity. Given this situation, what can we do?

First, we must encourage cooperation by all. All those who support the Court must be thanked. We know, however, that two countries have refused to cooperate over the past six months. We must respond to the letters we have received from the Court through the Secretary-General on issues of non-cooperation.

Secondly, we must isolate and punish the criminals. We welcome in this respect the guidelines issued by the Secretary-General on limiting contact with persons wanted by the Court to what is essential for the Organization. We must apply these guidelines consistently. In particular, it would not seem to be good policy to allow contact with the accused when the

chance that that might improve the situation is minimal. Another option, which has repeatedly discussed but not yet undertaken, is to register individuals subject to an arrest warrant on the list established by the Sanctions Committee. I recall in this respect that paragraph 3 of resolution 1591 (2005) provides explicitly that people who violate international humanitarian law or international human rights law may be subject to sanctions.

Thirdly and finally, the Council must once again be united in exerting real pressure on the parties to end the violations committed against civilians. We regret, in this respect, that some refuse to recognize the deteriorating security and humanitarian situation, which is nevertheless ongoing and indisputable.

Mr. Sharifov (Azerbaijan): At the outset, I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for the briefing and for presenting her seventeenth report to the Security Council pursuant to resolution 1593 (2005).

Azerbaijan is not a signatory to the Rome Statute of the International Criminal Court. Nevertheless, we acknowledge the rights and obligations of the States parties to the Statute. We take note of the efforts of the Office of the Prosecutor aimed at investigating the violations of international human rights and humanitarian law in Darfur. In this regard, we reiterate our position that the activities of the Prosecutor should strictly comply with the appropriate framework established by resolution 1593 (2005).

It is obvious that there is no military solution to the conflict in Darfur and that the Doha Document for Peace in Darfur constitutes the primary basis for sustainable conflict resolution. In this context, those movements that have not yet signed the Doha Document must cease hostilities and join the peace process without precondition.

We are concerned over the deterioration of the security situation, which continues to adversely affect the civilian population and restrict humanitarian access to areas of confrontation. Intensified attacks by non-signatory armed groups and heavy intercommunal clashes have led to a significant increase in civilian casualties and displacement in Darfur. Reports of such violations — including killings, rape, looting, hostage-taking and the destruction of property — should be properly investigated in order to bring those responsible to justice and prevent their recurrence in the future.

We note that the Sudanese Government continues its efforts to defuse intercommunal tensions and promote reconciliation in Darfur. Unfortunately, the international presence in Darfur, including United Nations staff members, aid workers and peacekeepers, have continued to face constant attacks during the past six months. It is particularly distressing that the personnel of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) have been targeted in the violence. The attack on UNAMID of 19 April, which left a Nigerian peacekeeper dead and two others wounded, should be thoroughly investigated and the perpetrators brought to justice. Criminality and banditry in Darfur are among the most significant threats to civilians and humanitarian workers.

In conclusion, we stress the need for the international community's further support for the implementation of the Doha Document and the importance that the rebel groups renounce violence as vital prerequisites for ensuring durable peace in Darfur.

Mr. Menan (Togo) (*spoke in French*): I should like at the outset to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing on the seventeenth report of her Office, pursuant to resolution 1593 (2005). As we all know, it was in that resolution that the Council referred the situation in Darfur since 1 July 2002 to the ICC, in the conviction that it constituted a threat to international peace and security. The Council recently reiterated that conviction in resolution 2063 (2012).

Today's briefing reflected the progress that has been made and the ongoing gaps in the judiciary activities, ongoing investigations and cooperation with States in the fight against impunity undertaken by the ICC with respect to the situation in Darfur. I wish to address the three issues I have just mentioned, but before I do I recall that Togo is not yet a party to the ICC Rome Statute.

With regard to judicial activities, especially concerning the *Banda and Jerbo* case, in its statement last December in connection with the Prosecutor's sixteenth report (see S/PV.6887), Togo expressed the hope that the outcome of pre-trial hearings would, on the one hand, allow the parties to resolve their differences and, on the other, make it possible for the pertinent Pre-Trial Chamber to set without delay the date for the

commencement of the trial, so as to guarantee the right of the accused to be tried without undue delay and to meet the expectations of victims to speedy justice.

Togo welcomes that that has in fact been the case and that, as set out in paragraph 12 of the current report, the date of the trial is set for 5 May 2014. Moreover, Togo welcomes that the Prosecutor has met the deadline of 2 May for communicating to accused central elements in the cases against them, as well as lists of witnesses to be called, so that the trial scheduled to begin in June 2014 can take place in full respect for the rights of defence.

As to cooperation among the United Nations, the Security Council, Member States and the ICC, many of the uncertainties and challenges mentioned in the sixteenth report last December seem to persist. Others had already been reported to the Council, as one can read in the seventeenth report. As Togo also stated during the wrap-up and assessment meeting held last week during its presidency of the Council during the month of May (see S/PV.6972), the Council could benefit greatly from the way it handles its cooperation and communication with the Court, if only by acknowledging receipt of the notifications it receives.

In addition, Togo hopes that relations between States and the ICC will strictly observe the principle of complementarity, which, for the States concerned, means having the primary obligation to prosecute and try perpetrators. Togo therefore reiterates its regret over the fact that there seems to have been no progress since 2012 in connection with prosecuting suspects. My country encourages the States concerned to give effect to the principle of complementarity.

Also with regard to State cooperation, Togo would like to point to paragraph 6 of the sixteenth report, which refers to the difficulties encountered by the defence in the *Banda and Jerbo* case, including gaining access to exculpatory evidence and logistical support, security concerns and securing entry into Darfur — as a result of which the defence had to introduce a motion to suspend the trial. Togo would like to believe that the fact that the seventeenth report no longer mentions those problems means that it is because solutions have been found.

In the context of cooperation with the ICC, under articles 86 and 87 of the Court's Statute, States often seem less generous to the defence. Togo would therefore welcome any initiative that the various organs of the Court and the Assembly of States Parties could take, in accordance with the basic texts of the ICC, to facilitate cooperation between States and the defence so as to ensure fair trials.

In terms of ongoing investigations, Togo would like to reiterate its call for a halt to the violence and violations of human rights and humanitarian law that seem to be continuing. Togo also encourages the Office of the Prosecutor to continue its monitoring and to advance the investigation of crimes that continue to be committed — aerial bombardments; indiscriminate attacks on the ground against civilians, including women and children, even in camps for displaced persons; widespread sexual violence and gender-based attacks; attacks against human rights defenders and members of civil society and community leaders; the recruitment of child soldiers; and intentional acts aimed at the total or partial destruction of ethnic groups.

Togo reiterates its deep concern about attacks and kidnappings of aid workers and members of peacekeeping forces — attacks that have claimed the lives of many brave peacekeepers of the African Union-United Nations Hybrid Operation in Darfur. Togo hopes that prosecuting the murders of African Union soldiers in 2007 will make it possible to clarify the circumstances of those attacks and to identify the perpetrators at all levels of responsibility in order that they may answer for their acts.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We would like to thank Ms. Fatou Bensouda for her report and her briefing today. The Russian Federation supports the efforts of the International Criminal Court (ICC) to investigate the situation in Darfur pursuant to resolution 1593 (2005). We view the Court's efforts in that area as an important contribution to combating impunity for the most serious crimes of concern to the entire international community.

We are concerned by the deterioration in the security situation in Darfur as a result of rebel combat activity. The escalation of armed clashes between various tribes, which is largely the result of heightened competition for resources, is also a cause for alarm. We take note of the authorities' energetic efforts to prevent an increase in inter-communal violence. The way to resolve the dire humanitarian problems, including those of refugees and internally displaced persons, is to normalize the political and military situation, make

progress in the peace process and ensure the social and economic revival of Darfur.

An important element in that regard is the practical implementation of the outcomes of the Doha international conference on allocating resources for the region's development. Another aspect of key importance in that connection is to make further progress on a political settlement of the basis of the Doha agreements. Parties with influence on the leaders of the Sudan Revolutionary Front must induce them to reject a destructive course of action and to join the peace process.

With regard to the so-called "irreconcilables", the time is ripe to consider using sanctions against them pursuant to the Council's resolutions. One could begin with the individuals guilty of killing leaders of the Justice and Equality Movement faction who had signed a peace agreement with the Government of the Sudan last April. Of interest in that regard is the information contained in the report of the Prosecutor concerning the ongoing violence in Darfur with the participation of both Government forces and rebel groups. In several instances in that connection there may be grounds for the Prosecutor to open new cases. We urge the Court to carry out an objective assessment of illegal activities carried out by all sides.

It is clear that the task of the International Criminal Court as an independent organ of international criminal justice is to carry out a strictly judicial function and to punish the guilty. However, the actions of the Court in carrying out its mandate to investigate events in Darfur must not be divorced from overall efforts to normalize the situation in that long-suffering Sudanese state. In our view, the instinct of the current Prosecutor to strike a delicate balance between reconciliation and criminal justice as she carries out her activities is commendable.

We take note of the Prosecutor's comments with regard to the Government's cooperation with the ICC on the issue of Darfur. In that connection, the situation once again illustrates just how important the support of the Government is for the success of the Court's operation. In evaluating the level of compliance by individual States with the relevant commitments in this area, we should be mindful of the fact that the scope of that support can vary. One should also bear in mind the existing norms of international law concerning the immunity of high-level State officials.

In our view, the Secretary-General's issuance in April of a manual to be used by United Nations staff in their contacts with individuals subject to arrest warrants was a step in the right direction. That brought clarity to this complex and important issue of concern to the mission of the United Nations.

We are carefully following the investigations into the attack on African Union peacekeepers at Haskanita in 2007. The events of recent months, which still need clarifying, have brought proceedings on the actions of the rebel group leaders to a halt. It is important that those circumstances do not interrupt the momentum achieved within the framework of those proceedings.

In conclusion, we would like to comment on the proposals for follow-up action by the Security Council in referring cases to the International Criminal Court. We will review any ideas on this from the point of view of their practical usefulness and keeping in mind the prerogatives of the Council, the ICC's mandate and the international legal context as a whole. For now, we see no added value in such measures. In this matter, we proceed from the assumption that the Informal Working Group on International Tribunals, lacking the necessary mandate, is not a suitable format for deciding the issue of the ICC.

Mrs. Perceval (Argentina) (*spoke in Spanish*): Argentina thanks the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her presentation of this report in accordance with resolution 1593 (2005). We should view the Prosecutor's report not with frustration but as a challenge to us to shoulder the responsibility of acting in a coordinated fashion.

Argentina is deeply concerned about continuing violations of human rights and international humanitarian law. In February, the Council highlighted in resolution 2091 (2013) the fact that the people of Darfur are in an urgent humanitarian crisis, and reiterated its request for an end to all serious violations of human rights and human rights law. Argentina commends the Office of the Prosecutor for its dedication to monitoring current crimes, which include aerial and ground bombardments, a high number of civilian killings, forced displacement, sexual and gender-based violence — aggravated by the fact that children are both victims and perpetrators, and by the serious problem of rape and other abuses going unreported for fear of reprisal — attacks on human rights defenders, members of civil society, humanitarian workers and the

personnel of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), serious obstacles to access to humanitarian assistance and to the ability of UNAMID personnel not only to assist affected civilians but also to investigate an alleged aerial attack. Argentina encourages the Prosecutor to continue to investigate those acts, which qualify as crimes under the Rome Statute.

The description of the crimes currently being committed occupies a long section of the Prosecutor's report. It is necessary for the Security Council to understand that without justice impunity is not only perpetuated, but also multiplies, becoming structural by inspiring the commission of new crimes. Argentina concurs with the evaluation made by the Panel of Experts on Sudan, as prevailing impunity perpetuates a status quo in while civilian victims become ever mre numerous while the indictees remain at large. Argentina therefore wishes to focus on cooperation with the Court.

The Government of the Sudan is bound under resolution 1593 (2005) to cooperate with the Court and to provide it with all necessary assistance. States parties to the Rome Statute are obligated to cooperate under that instrument. The resolution also called on all other Members of the United Nations and regional organizations to cooperate with the ICC.

A crucial aspect of cooperation is the execution of arrest warrants. At the moment, four arrest warrants issued by the Court since 2007 for counts of genocide, war crimes and crimes against humanity remain unexecuted. Argentina regrets the position of the Government of the Sudan with regard to the Court, because those who continue to fall victim to serious violations of human rights and international humanitarian law are its own people. It is also regrettable that Chad, a State party to the Rome Statute, has repeatedly flouted its obligation to cooperate with the Court. We urge Chad to act in accordance with the Rome Statute.

The Court is an institution founded on the common lesson learned that serious crimes must not go unpunished and that justice and punishment for those responsible contribute to the prevention of such crimes We therefore call on all Member States and regional organizations, including the African Union, to work together to ensure cooperation with the Court and that impunity does not prevail. Both the Court and the President of the Assembly of States Parties to the Statute have sent letters to the Council regarding non-cooperation with the Court with regard to the situation in Darfur. Argentina is in favour of of the Council addressing the consideration of these letters in the appropriate forum, which in the view of my country should be the Informal Working Group on International Tribunals.

My country supports an effective follow-up by the Council of the referrals made to the Court. The commitment reflected in S/PRST/2013/2 must be put in practice as a matter of urgency. Be it in the Working Group on International Tribunals or in a specific subsidiary organ for ICC referrals, the Council must engage in such follow-up because it cannot shirk its responsibility for the referrals it makes to the Court. Moreover, Argentina thanks the Secretary-General for issuing the guidelines on non-essential contacts with persons subject to arrest warrants issued by the ICC. We hope that they will be applied in a strict and consistent manner.

I should like, as I do every time the Council refers to the ICC, to make brief reference to two aspects that are fundamental to Argentina's position.

First is the exemption of the jurisdiction of the Court of nationals of States non-parties to the Rome Statute for acts or omissions derived from operations established or authorized by the Council or related to them. This clause, included for the first time in resolution 1593 (2005), contradicts the Rome Statute and can affect the credibility of the Security Council and that of the Court itself.

Second is the clause — also included for the first time in the Darfur referral — providing that the United Nations shall not defray the costs of the referral. Not only does this contradict the Rome Statute, but it also and in practical terms reflects the failure of the United Nations to address the financing of referrals, which jeopardizes the activities of the Office of the Prosecutor and the long-term viability of the Court.

Argentina wishes to commend the work of the Prosecutor and her Office in performing their functions regarding this referral ofthe Security Council, and thanks her for the permanent disposition to dialogue with the Council. I should like to reiterate that impunity leads to more crimes and more victims, and in no way contributes to peace. The Government and people of Argentina urge the international community to put an end to impunity, not only because we are signatories to the International Criminal Court, but also because

we have the moral right and authority to call on the international community to fight impunity and cooperate with the Court. For our country, the fight against impunity is a State policy, and the perpetrators of crimes against humanity must be brought to justice in accordance with due process, tried and sentenced. They must not enjoy amnesty.

Finally, I wish to once more reaffirm the firm commitment of Argentina to the International Criminal Court.

Mr. Masood Khan (Pakistan): I congratulate you, Sir, on your assumption of the presidency of the Council for this month, and thank Togo for its effective presidency last month.

We thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her briefing. We have taken careful note of the seventeenth note of the Prosecutor. We welcome the presence of the Ambassador of the Sudan in the Council Chamber.

Pakistan is not a party to the Rome Statute of the International Criminal Court. However, we acknowledge the rights and obligations of States parties to the ICC.

Pakistan supports a peaceful and viable resolution of the situation in Darfur through an inclusive political process that respects and upholds the unity, sovereignty and territorial integrity of the Sudan. The goal of durable peace in Darfur can be realized only through a comprehensive multipronged strategy. Such a strategy should provide impetus to encouraging a peaceful solution through dialogue, promote justice and reconciliation, establish an environment conducive to security and address the human rights and humanitarian aspects of the long-standing conflict in Darfur by ending impunity.

We support the efforts of the African Union, in particular those of its High-level Implementation Panel, towards achieving peace, stability, justice and reconciliation in Darfur. The advice of the League of Arab States and the Organization of Islamic Cooperation should also be given due weight.

We welcome the several important steps taken by the signatories to implement the Doha Document for Peace in Darfur, including the transfer of funds to the Darfur Regional Authority and the holding of the international donors conference for reconstruction and development in Darfur. Those steps would help to address the underlying issues of development and governance in the region. We urge the signatories to implement their commitments under the Doha Document. It is important that progress be made on the provisions relating to land and property.

The attacks against peacekeepers in Darfur remain a serious concern. Those attacks should be swiftly investigated and the perpetrators brought to justice. The destabilizing activities of Darfuri armed rebel movements under the Sudan Revolutionary Front umbrella, as well as their attacks against civilians and humanitarian workers, should be thoroughly investigated. Sanctions should be imposed against all armed movements that continue to obstruct the peace process in Darfur, and against all those who flagrantly violate humanitarian and human rights law.

The Secretary-General's guidelines of 3 April on contacts between United Nations officials and persons who are subject to ICC arrest warrants and summonses highlight that the United Nations and the ICC are separate organizations, each with its own mandate. They also underline the operational nature of the decision on the requirement of contact with various individuals in carrying out United Nations-mandated activities. That is a new document and we should give it some time to be tested in the field.

Durable peace and stability in the Sudan is a strong aspiration of the Sudanese people and an imperative for regional peace and security. Achieving that objective requires the support and understanding of the international community. The situation in Darfur, in particular the suffering of its people, has been a matter of concern for several years. We must do more to help to resolve that complex problem in a holistic manner.

Mr. Bouchaara (Morocco) (*spoke in French*): I, too, would like to thank Ms. Fatou Bensouda for her presentation of the seventeenth report of the International Criminal Court (ICC) in accordance with resolution 1593 (2005). Since her last report, the situation in Darfur has developed in various ways. At the political level, progress should be commended and should be encouraged, in particular the consolidation of institutions established by the Doha Document for Peace in Darfur, such as the Darfur Regional Authority. In that regard, we welcome the convening of the donors conference for Darfur, which was held in Doha on 7 April, and we hope that the donations that will be

collected will enable us to finance development in Darfur.

However, development in Darfur cannot begin without first restoring peace and ensuring the security of its population. The agreement between the Justice and Equality Movement and the Government of the Sudan was welcome, but the recent assassination of its leader will undoubtedly have a significant impact on the continuation of the peace process and on the actions of the other groups that have not yet joined the process. Furthermore, the resurgence of violence among the rebels of the Sudan Revolutionary Front, together with violent intertribal clashes, have severely deteriorated the security situation and led to the displacement of a great number of civilians. The international community must bear all of those factors in mind.

For its part, Morocco has always advocated a political settlement among all the parties involved in order to attenuate the suffering of the civilian population, and reaffirms its commitment to the principles of international humanitarian law and respect for the sovereignty and territorial integrity of the Sudan.

Morocco welcomed the signing of the Doha Document for Peace in Darfur and the launch of the process for implementing its provisions. The agreement, which covers all of the issues underlying the conflict — such as the measures aimed at the equitable redistribution of power and resources, compensation, the return of displaced persons, reconciliation and the maintenance of dialogue — in our view remains the only possible way out of the conflict in Darfur, and therefore must supported.

The Sudan's history stretches back to ancient times and is intimately entwined with that of the African continent. The current situation of the country is worthy of the full support of the international community so as to enable peace and stability to be restored.

The Sudan has sacrificed a great deal within the framework of the Comprehensive Peace Agreement and the Doha Document for Peace in Darfur, as well as with the recent signature of a number of agreements with South Sudan and rebel groups. The decision of the ICC to indict President Al-Bashir has never enjoyed international consensus. The Organization of Islamic Cooperation and the League of Arab States have questioned the basis of such an approach.

In conclusion, we are convinced that the lengthy process that will allow peace and stability to be restored in Darfur cannot be successful without effective and coordinated cooperation among all the parties to the conflict, regional organizations and the mediation mechanisms involved.

Ms. Sohn Sung-Youn (Republic of Korea): I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing on the recent developments in the Darfur situation.

The overall situation in Darfur continues to deteriorate. Since the clashes in Jebel Amir last January, hostilities involving numerous rebel groups have increased throughout the Darfur region and beyond. Serious violations of human rights law, including violence against civilians, arbitrary detention, torture and sexual assaults continue to be reported in Darfur. The alleged involvement of the Sudanese National Intelligence and Security Services in some of those cases deserves our attention. In order to achieve stability in the Darfur region, all such allegations need to be clarified and violators of human rights and international humanitarian law must be held accountable.

With regard to the recent judicial activities of the ICC, we welcome progress in the Banda and Jerbo case, specifically Trial Chamber IV's decision that the trial against rebels, Mr. Banda and Mr. Jerbo, should commence on 5 May 2014 for the attacks on peacekeeping troops in Haskanita.

Concerning its ongoing investigations, we appreciate the Office of the Prosecutor's efforts to investigate allegations of criminal activity, as well as crimes being committed in Darfur. We remain concerned about the mounting violence in Darfur and about reports describing the deliberate targeting of civilians, sexual and gender-based violence, attacks on peacekeepers and other crimes. We hope that the Prosecutor's ongoing investigations can corroborate the allegations and that any resulting new criminal cases will render justice to the victims of such serious crimes.

On the issue of non-cooperation by the Sudan and other parties, it is incumbent upon the Sudan to cooperate fully with the ICC and its investigations, in accordance with resolution 1593 (2005), which was adopted under Chapter VII of the Charter of the United Nations. We take full note of the fact that the Prosecutor has called on the Security Council to ensure the Sudan's compliance with that resolution. We believe

that the Council should consider what actions it can take to assist the ICC in that regard. We also note that the Prosecutor has called upon ICC States parties to take the necessary actions to promote cooperation on the arrest of individuals wanted by the Court in relation to the Darfur situation.

In conclusion, we look forward to a full investigation of allegations of all serious crimes committed in Darfur. We encourage the Prosecutor to continue her investigative efforts. The Korean Government stands ready to strongly support the ICC and its activities. We also believe that the Security Council should continue to closely monitor the Darfur situation, which it has referred to the ICC.

Mr. Bo Shen (China) (*spoke in Chinese*): I have listened attentively to the briefing by Prosecutor Bensouda.

The question of Darfur is a complex one, as it involves many areas, including the political process, security and stability, humanitarian assistance, development, reconstruction and justice. The political process is key among those elements. Only by promoting sustained progress in the political process can lasting peace at last be achieved in Darfur and the foundations for justice and other efforts be laid.

The Doha Document for Peace in Darfur has set out the approach for a comprehensive and proper settlement of the Darfur issue. It forms the basis for peace in the region. Its signatories, in particular the parties in Darfur, should fully implement the Doha Document. The armed rebel groups in question should stop all forms of violence and sign peace agreements on the basis of the Doha Document. All steps taken by the international community on Darfur should serve to promote the political process there and help achieve the goals tho which I have referred. We hope that the ICC will play a positive and constructive role to that end.

China's position on the ICC's involvement in the question of Darfur remains unchanged. We hope that the Council will attach due importance to that question and pay heed to the views of such regional organizations as the African Union and the League of Arab States.

Ms. King (Australia): I would like to thank the Prosecutor, Ms. Fatou Bensouda, for her briefing. We are pleased to learn that the Office of the Prosecutor is continuing its work in relation to the situation in Darfur, despite the significant challenges it faces.

We continue to be deeply concerned by violence in Darfur. Inter-tribal hostilities have increased this year, including over resources, and large numbers of Darfuris have been displaced both internally and across borders. Those displaced face severe food and water shortages.

Against that background of violence, displacement and humanitarian needs, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) faces access restrictions that continue to hamper its ability to implement its mandate. We continue to call for UNAMID to be allowed to access all areas of Darfur, including places where clashes have occurred. The 19 April attack on UNAMID peacekeepers in which one was killed and two were injured must be condemned in the strongest terms and the perpetrators must be brought to justice.

It is important that the Council provide strong support to political reconciliation efforts underpinned by the Doha Document for Peace in Darfur. But recent violent incidents demonstrate the risks posed to those embracing the path of dialogue, as well as the importance of a commitment to ensuring that those who disrupt that path with violence are held to account. Without a commitment to justice and accountability, it will be difficult to achieve and sustain peace.

Indeed, the current climate of impunity in Darfur sends a dangerous message of tolerance to would-be perpetrators of serious international crimes and other violations of international law. In that context, we commend the Office of the Prosecutor for its continued monitoring of possible crimes under the Rome Statute. We are deeply concerned by the references in the Prosecutor's report to attacks on civilians, sexual and gender-based violence, attacks on those trying to help the people of the Sudan, including peacekeepers, and the denial of humanitarian access. The Council's condemnation of such crimes was set out clearly in resolution 2091 (2013).

In particular, reports of alleged aerial bombardments by the Sudanese Armed Forces (SAF), resulting in civilian casualties, must be properly investigated. That has been impossible due to restrictions on access to affected areas, meaning that the provision of humanitarian assistance was also prevented at critical times. It is unacceptable that UNAMID personnel were denied access to investigate an alleged aerial bombardment carried out by the SAF; it is equally unacceptable that UNAMID personnel have been

prevented from investigating alleged reports of sexual violence.

It is against that background, and with deep regret, that we note also the Prosecutor's unambiguous account of the Government of the Sudan's non-cooperation with the Court, in disregard of resolution 1593 (2005). The Council needs to do more to support the Court and to secure the Sudan's cooperation, so that we can meet our commitment to bringing to justice those responsible for serious international crimes.

We are also deeply disappointed at the failure of some ICC States parties to arrest and surrender the four Sudanese individuals subject to outstanding ICC arrest warrants. We commend the Prosecutor on the outreach efforts she has made to remind States of the importance of meeting their obligations to cooperate with the Court. We look forward to consulting with other Council members as to what the Council can do to assist the Court in that regard.

There are steps that can be taken to underscore the international community's commitment to ensuring that those accused of serious international crimes are held to account. We have previously expressed the view that the Council's Sanctions Committees should give consideration to ICC arrest warrants and summonses to appear, with a view to ensuring greater consistency between sanctions lists and ICC indictments.

Other steps are outlined in the useful document produced by the ICC Office of the Prosecutor that maps the instances of outstanding arrest warrants. It highlights the need to intensify efforts to isolate ICC fugitives in a coordinated way, as well as the importance of making collaborative efforts to plan for and execute arrest warrants. The Secretary-General's guidance for the Secretariat on contact with those subject to ICC arrest warrants is also helpful in that context.

In conclusion, we note the recent debate about the role of the International Criminal Court. Australia remains firmly of the view that the ICC can play an important role in ending impunity in conflict and post-conflict situations. But it is also important to recall that all States fulfil their obligations under international law — whether those obligations derive from being a party to the Rome Statute or from resolutions of the Council.

The Council must also strongly support the Court in its efforts to conduct its work, and Darfur is no exception. We need to continue to think about ways by which the Council can assist the Court in ending impunity for crimes in Darfur and achieve at least a measure of justice for victims.

We look forward to further updates from the Prosecutor and would be pleased to have an opportunity to participate in an informal interactive dialogue with her on the situation in Darfur.

The President: I shall now make a statement in my capacity as the representative of the United Kingdom.

I thank Ms. Bensouda for her briefing today. We share the sense of frustration that she expressed in her statement.

The situation in Darfur remaines very serious. There has been a further deterioration in the security situation, resulting in an estimated 300,000 Darfuris becoming displaced, which is more than the total number in the past two years.

We welcome the initial steps to implement the Doha Document for Peace in Darfur, but it remains way behind schedule. The Government of the Sudan and the Darfur Regional Authority must make a renewed effort and clearly signal their commitment to delivering peace in Darfur.

We welcome the commitment of the Justice and Equality Movement-Bashar to support the Doha Document. We strongly condemn the attack that resulted in the deaths of Mohamed Bashar and 10 members of this movement. Attacks against those willing to lay down arms and negotiate are unacceptable and detrimental to the peace process. We call on all sides involved in the fighting to cease hostilities immediately and to engage in a peaceful settlement of the conflict.

The African Union-United Nations Hybrid Operation in Darfur plays a crucial role in building peace and stability for the people of the region. It is unacceptable that it continues to face access restrictions across Darfur, despite the clear demands of the Council.

The commitment made by the Government of the Sudan to removing all obstacles to development in Darfur must now be put into practice.

I thank the Prosecutor for her update on the trials of Abdullah Banda and Saleh Jerbo. It remains deeply concerning that the Government of the Sudan continues to obstruct the pursuit of justice for the people of Darfur and has failed to cooperate over the four outstanding

arrest warrants. Reports of one of those indicted being present in the area of current conflict are particularly alarming.

As laid down by the Council in resolution 1593 (2005), the Government of the Sudan has an obligation to cooperate with the ICC, and we continue to urge it to do so. We also call on all States to cooperate with the ICC to end impunity and to deliver much-needed accountability, and we regret the fact that some ICC States parties have failed in their duty under the Rome Statute. The Council, for its part, must now consider urgently what more it can and should do to assist the Court in delivering the mandate we entrusted it with in referring the situation in Darfur.

I now resume my functions as President of the Security Council.

I give the floor to the representative of the Sudan.

Mr. Osman (Sudan) (*spoke in Arabic*): I should like to place on record that our participation in this meeting does not in any way indicate our recognition of the International Criminal Court (ICC) or its work. The Sudan is not a party to the Rome Statute, and I am addressing this statement to the Security Council alone.

Today's briefing was fraught with false claims and illogical demands. We therefore believe it appropriate to address the Council in order to clarify the situation and provide the correct information. We reiterate that this entire issue has been based on a faulty assumption, as confirmed by eminent international personalities whose testimony refutes the charge of ethnic cleansing and genocide, as previously stated.

The Prosecutor's demand that we implement the arrest warrants issued against President Omer Hassan A. Al-Bashir and other Sudanese officials is unacceptable because it is based on faulty logic. What is based on wrong is of necessity wrong itself.

The conflict in Darfur is an internal conflict that has not overspilled our national borders and has been wrongly described as a threat to international peace and security. It is incorrect to cite a lack of willingness or effectiveness on the part of the Sudanese judiciary to ensure justice and uphold national and international criminal law. I reiterate the efficiency and professionalism of the Sudanese judiciary and its ability to uphold justice in accordance with our national legislation and international criminal law. In that context, we wish to reiterate our oft-repeated assertion that our initial objective is to render justice through the national judiciary, and that the ICC has a role to play only when the national judiciary is unable or unwilling to do so.

We also note the erroneous approach adopted by the Office of the Prosecutor in addressing issues of concern to African countries. It entirely disregards Africa's legal heritage and the independence, professionalism and abilities of its judiciary. This faulty approach has been rejected by Africa and led to the call, issued at the African summit held in Addis Ababa in May, to refer all issues of concern to the continent to the African judiciary.

The Sudanese Government is strongly convinced of and deeply committed to combating impunity, and to that end has established a special court in charge of investigating serious violations of human rights and international humanitarian law in Darfur. It has appointed a Prosecutor to the Court, in implementation of the Doha Document for Peace in Darfur. He is assisted by 12 legal advisors, who act with complete independence in the five states of Darfur.

I would also note that the Prosecutor has received more than 53 criminal complaints. Thirty of these cases come from Northern Darfur, where 17 accused have been sentenced to death, and 14 from Southern Darfur, where 11 have been sentenced to death. Six cases in Western Darfur are still under investigation, while in one case in Eastern Darfur three people have been sentenced to death. There has been only one criminal case in Central Darfur, which remains pending. All of this legal activity bears witness to the willingness and capacity of the Sudanese judiciary to prosecute criminals in Darfur.

References to aerial bombardment are also unacceptable. The Sudanese Government exercises its sovereign right to defend the security and territorial integrity of the country. References to the humanitarian situation and sexual violence are equally unacceptable, since the perpetrators are rebels of the so-called Sudan Revolutionary Front, who assassinated Commander Mohamed Bashar and his Deputy Suleiman Dahiya. This group kills anyone who has chosen the path of peace, which in itself speaks clearly to its terrorist leanings. It has also attacked cities in Northern and Southern Kordofan, Umm Ruwaba and Abu Karshola, committed crimes against humanity, violated human rights, plundered homes and displaced populations,

including vulnerable groups. In spite of these atrocities, however, the Security Council has not lifted a finger.

The statement concerning sexual violence is based on media reports and is truly bewildering. How could any judicial entity rely on media reports in its prosecutions? In one Council meeting, Mr. President, you personally rejected any reliance on media reports. Other claims that the Sudanese Government is not making the required effort to cooperate are false. We are cooperating in removing all obstacles facing the Office of the Prosecutor. The visit of Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs Emergency Relief Coordinator, to the Sudan in May is proof of that cooperation.

Ms. Amos has shown herself to be an international civil servant who embodies the principles of the Charter and respects the immunities of high officials, including Presidents. She has met with many officials of the Sudanese Government, including the President himself, and has led deliberations on the humanitarian situation in Darfur. Following her visit, she reiterated that the rebel movements under the banner of the Sudan Revolutionary Front were indeed responsible for the displacement of populations and the deterioration of the humanitarian situation in Southern Kordofan and Blue Nile States.

In conclusion, in spite of the remaining pockets of rebellion and limited internal conflicts over resources, the situation in Darfur has greatly improved since 2003. We have achieved great success in implementing the Doha Document and the establishment of the Darfur Regional Authority, which is led by numerous dedicated sons and daughters of Darfur representing all tribes that have set out on the path of peace. They are all working in coherence and coordination with the federal and state Governments in Darfur to pursue that path.

We therefore appeal to the Council to support all efforts to establish peace and security, as well as to call on the rebel groups that have to date refused to take that path to do so in order to enable us all to turn our efforts to reconstruction and development and the achievement of reconciliation, so as to restore peace, prosperity and stability for the Sudan in general and for Darfur in particular.

I hope, Sir,that I have kept to the five-minute limit set for interventions.

The President: There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.45 a.m.

United Nations S/PV.6975

Security Council

Sixty-eighth year

Provisional

6975th meeting
Thursday, 6 June 2013, 10 a.m.
New York

President:	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
Members:	Argentina	Ms. Millicay
	Australia	Mr. Quinlan
	Azerbaijan	Mr. Mehdiyev
	China	Mr. Li Baodong
	France	Mr. Bertoux
	Guatemala	Mr. Briz Gutiérrez
	Luxembourg	Ms. Lucas
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Masood Khan
	Republic of Korea	Mr. Sul Kyung-hoon
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Gasana
	Togo	Mr. Menan
	United States of America	Mr. DeLaurentis

Agenda

The situation in Somalia

Report of the Secretary-General on Somalia (S/2013/326)

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13-35562 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General on Somalia (S/2013/326)

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of Ethiopia and Somalia to participate in this meeting.

On behalf of the Council, I welcome the presence at the Council table of Her Excellency Ms. Fowsiyo Yusuf Haji Adan, Deputy Prime Minister and Minister of Foreign Affairs of the Somali Republic.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2013/326, which contains the report of the Secretary-General on Somalia.

I recognize the presence of the Deputy Secretary-General, His Excellency Mr. Jan Eliasson, and give him the floor.

The Deputy Secretary-General: I want to begin by thanking the United Kingdom for convening this meeting during its Council presidency and for its Government's active role on Somalia, most recently by hosting the London Conference on 7 May this year.

The Secretary-General and I have long followed developments closely. Somalia has held a special place in my heart since I worked in the country in 1992 as the first United Nations Emergency Relief Coordinator. As members know, those were very dark days. It is a source of deep satisfaction that today we welcome the Deputy Prime Minister and Foreign Minister of Somalia, Mrs. Adan, who represents a Government committed to leading the nation to peace, unity, development and a life of dignity for all.

Somalia still faces many challenges. But we must remember how far we have come, not least thanks to the women and men of the African Union Mission in Somalia (AMISOM), as well as to the Somali National Security Force and their allies. I pay tribute to their commitment and courage in risking their lives to bring peace to Somalia. They have made progress possible. We must not allow any reversals of the hard-won gains.

This week, we passed a major milestone in the engagement of the United Nations in Somalia with the successful launch of the United Nations Assistance Mission in Somalia (UNSOM) in Mogadishu. The Secretary-General's new Special Representative, Mr. Nicholas Kay, has already met the Speaker of Parliament and the Prime Minister, pending President Hassan Sheikh Mohamud's return to the country. UNSOM will support political dialogue, peacebuilding and the protection of human rights. However, successfully meeting the major peacebuilding challenges will depend primarily on the efforts of the Government of Somalia. Foremost among those challenges is the establishment of a well-functioning federal structure. A parallel challenge are cooperative relations between Somalia and its neighbours, based on mutual and complementary interest.

Eight months since its formation, the Federal Government of Somalia has established its political programme and presented plans for stabilization and peacebuilding. It has begun reaching out beyond Mogadishu to realize its vision of a federated Somalia, demonstrating commitment to dialogue with other regional administrations. A process has been launched to review the provisional Constitution ahead of the elections planned for 2016. I commend the Government for its efforts, which deserve full and continuing international support.

Realizing a federal State in Somalia is a complex and demanding task. We see the high stakes in the recent rise in tensions in Kismayo following the declaration of a regional State in early April. On 15 May, 500 delegates to a conference in Kismayo selected a President of what was called the "Jubaland State of Somalia". That administration is regarded by the Federal Government as illegal and unconstitutional. The process has also been criticized for being insufficiently inclusive. Since then, six other candidates have declared themselves President of the new entity. While there have so far been no reports of military confrontation so far, the situation remains volatile.

The issues related to the unity and federalism of Somalia can be resolved only through dialogue among the Somalis themselves. That requires patience and pragmatism on all sides. The United Nations stands ready, if requested, to provide good offices in full

respect for the lead role of the Government of Somalia. At the same time, Somalia needs the support of its partners, neighbours and friends. The efforts being made by the leaders of Somalia, Kenya and Ethiopia to develop trust and cooperative relationships are essential and must continue. There is agreement that a strong and stable Somalia is in the interests of all. That recognition should guide regional efforts to address outstanding issues and potential sources of friction.

In that regard, I fully support the statement resulting from the extraordinary summit of the Intergovernmental Authority on Development (IGAD) last month, which recognized the lead role of the Federal Government in addressing the situation in Kismayo. The summit also recommended that the Government convene a reconciliation conference with the support of IGAD and the United Nations.

Meanwhile, let us recall that AMISOM has a critical role to play in ensuring security and the freedom of movement for all those engaged in the peace process. As in so many countries across the continent, partnership between the United Nations and the African Union (AU) is vital to reaching our objectives in Somalia. With the deployment of UNSOM, we will work together on political strategy, peacebuilding and stabilization, as well as the protection of human rights. The new Mission's impact will also depend upon effective security arrangements in close collaboration with AMISOM.

I wish to call attention to the Secretary-General's statement in his report (S/2013/326) that AMISOM is reaching its operational limit in terms of holding and expanding areas under its control. In order to keep the momentum of the past year, the Mission needs additional resources for ground and air mobility, including helicopters and armoured personnel carriers, as well as the means to reconfigure its forces. I urge Council members to give positive consideration to these requests. In addition, we remain open to discussions on long-term options for the security track, together with the African Union and the Federal Government of Somalia. In a follow-up to the Security Council's request, the Department of Peacekeeping Operations, jointly with the AU and in close consultation with the Somali Government, will undertake an exercise to review AMISOM's deployment and establish benchmarks for the possible future deployment of a United Nations peacekeeping operation.

Over the long term, Somalia must assume its own responsibilities through integrated, accountable and effective security institutions. That will require a well-funded and coordinated strategic approach. I welcome the pledges of support of more than $300 million made at the second London Conference and appeal to donors to live up to their commitments. At the Conference, I was impressed by the resolve of Somalia and its neighbours to forge positive relationships in the region. That is essential to addressing mutual interests and build a more stable and prosperous region for all. We discussed the scope for economic cooperation between Somalia and its neighbours, as well as the need to create an environment conducive to the safe and voluntary return of refugees. I wish to underline the importance of achieving coordinated and common positions of States in the region in support of the processes led by the Federal Government of Somalia, as exemplified in IGAD's recent communiqué. I strongly encourage all partners to continue their dialogue and to work closely together in that spirit on efforts towards Somali Statebuilding and peacebuilding.

We should accept that Somalia will require sustained and generous international support to continue on the path of progress. That means making a clear commitment assisting to the Federal Government in rapidly developing its plans and building its capacities. We should all agree on a framework for future coordination, building on the second London Conference and on the side meeting on Somalia at the Tokyo International Conference on African Development. I welcome the launch of the "New Deal" and look forward to the development of a new aid compact, with Somalis in the centre, accompanied by unified funding mechanisms.

In conclusion, as we enter a new era of United Nations engagement in Somalia, I would like to express my appreciation to the outgoing Special Representative, Ambassador Augustine Mahiga, for his many contributions in helping to lay a foundation for Somalia's path to lasting peace. I also congratulate Special Representative of the Secretary-General Nicholas Kay on his new role. I look forward to his engagement on the political process as well as the other areas of UNSOM's mandate. I thank all those in Somalia and at Headquarters who have worked hard to ensure the deployment of UNSOM on time.

We are committed to delivering on the Security Council's vision for a dynamic new United Nations

presence in Somalia, grounded in respect for Somali leadership and ownership. UNSOM has already set up its headquarters in Mogadishu and will establish its presence across the country, notably in areas recovered from Al-Shabaab as well as in Garowe and Hargeisa. The Mission will support political dialogue and advise the Government on peacebuilding and state-building, including the coordination of international assistance. UNSOM will be an integrated Mission, offering "one door to knock on" for Somalia's engagement with the United Nations.

I appeal to the Council to support UNSOM and help it to fulfil its mandate, including by providing the necessary resources to the Mission itself and to Somalia. I call on all to come together in support of the new Government in its efforts to bring peace and stability to the people of Somalia. The Secretary-General and I firmly believe that with the continuous support and firm commitment of its partners, Somalia can achieve its vision: a country in unity and at peace with itself and its neighbours, living under the rule of law and on the path to economic stability and decent living conditions for all.

The President: I thank the Deputy Secretary-General very much for his statement. I should now like to make a satement in my national capacity.

It is an honour for me to be here this morning to preside over this meeting of the Security Council on Somalia. I am grateful to the Deputy Secretary-General for his insightful briefing.

Following the Somalia Conference on 7 May, the United Kingdom has chosen to make the situation in Somalia a high priority for its presidency of the Security Council this month. The Conference was distinguished by the close working partnership between Somalia and the United Kingdom. I am therefore delighted that the Deputy Prime Minister has joined our meeting today. I commend her tireless efforts since taking office to promote peace and stability in Somalia.

Somalia has been through a dramatic shift over the past 12 months. A new Parliament and Government have been appointed in the most representative political process in a generation. Somalia has a provisional Constitution. The economy is recovering. The diaspora are returning. Above all, there is a sense of hope. Somalis are determining their own future.

Last month in London, we saw a united international community ready to support the next phase of recovery: Somali-owned and Somali-led. Somali Ministers shared detailed plans for developing the country's armed forces, police, justice sector and public financial management systems. The international community endorsed those plans and committed expertise and funding to deliver them.

The Security Council can be proud of its recent role in Somalia, from ensuring that the African Union Mission in Somalia (AMISOM) has the resources and mandate to succeed, to guiding the United Nations towards its deepest level of engagement in Somalia for more than two decades. The Council has stood beside and behind the Somali people. We have a collective responsibility to ensure that continues.

I am delighted that the United Nations Assistance Mission in Somalia (UNSOM) deployed on 3 June. The Mission will play a key role in making the efforts of the United Nations more coordinated and coherent and in providing Somalis with "one door to knock on".

Of course, none of that progress would have been possible without the enormous contribution of the African Union, and of AMISOM in particular. I pay tribute to the bravery and sacrifices of all AMISOM, Ethiopian and Somali personnel. History will show the magnitude and importance of their contribution and efforts in bringing peace to Somalia.

We look to both the United Nations and the African Union to work in a complementary manner, for the good of the Somali people. We are encouraged by the forthcoming joint United Nations/AU review of AMISOM's progress. The development of AMISOM's concept of operations in January 2012 was an example of the strong cooperation between both organisations. The results on the ground speak for themselves. We will support that work in any way we can.

It is in the interests of Somalia, the region and the wider international community that momentum be maintained, but we cannot be complacent. History has shown that, if Somalia is allowed to backslide into instability and conflict, the consequences will be felt well outside its borders in the form of regional instability, piracy and terrorism.

For all the progress that we have seen, Somalia continues to face huge challenges. We should be under no illusions as to the sustained efforts that will be required, in Somalia and from its international partners, to ensure that progress continues. Somalia lacks public

services — schools, hospitals, clean water supplies. More than 70 per cent of Somalis still live on less than $2 a day. There is very real suffering on a daily basis. We cannot stand by and risk another famine like the 2011 crisis, when more than quarter of a million people are confirmed to have died.

Al-Shabaab is under real pressure but, as recent attacks have shown, it still remains determined to kill innocent civilians and halt Somalia's progress towards peace and prosperity.

The international community must work to continue partnership with the Somali Government to address those challenges. That means supporting President Hassan Sheikh Mohamud's six-point plan by ensuring that the commitments made at the Somalia Conference are fully realized and aligned in support with Somali priorities. It means ensuring the right blend of international support to Somalia. It is imperative that AMISOM and the United Nations, especially through UNSOM and bilateral partners, work closely together in a coordinated manner. It means ensuring that AMISOM has the appropriate tools to carry out its mandate and to develop effective, legitimate and affordable national security forces, with clear accountabiliyt and oversight, which will be essential for the Somali Government to fulfil its role of protecting people and property and preserving public order.

International partners should work together to ensure that our support to the development of Somali security forces is coordinated and aligned to the Federal Government's plans. It means addressing serious human rights concerns. Somalia remains one of the worst places in the world to be a woman. I welcome the Government of Somalia's commitment to improving human rights, tackling sexual and gender-based violence and protecting both women and children from the effects of conflict. They will have all of our support as they tackle those vital issues. Ultimately, political progress will remain the key to the long-term stability of Somalia.

I welcome the Somali Government's commitment to holding democratic elections in 2016; to achieve that, much needs to be done to resolve the outstanding constitutional issues and the relationship between the Federal Government and the regions. I welcome the recent dialogue between the Government of Somalia and the regions and hope that it will continue. I commend the role played by IGAD and Somalia's neighbours. We were pleased to host the talks between Somalia and Somaliland in Chevening in June 2012 and welcome the continuation of the dialogue in Turkey. It is only through dialogue that lasting solutions can be developed.

I also welcome the European Union's plans to hold a conference on Somalia in September. The conference will help sustain the momentum to build a new and long-term partnership between Somalia and the international community for political reconstruction and economic development.

In conclusion, Somalia has come a long way since the days of extremism and tyranny, which brought nothing but misery to the long-suffering Somali people. The next 12 months will be pivotal for Somalia. We must support the Federal Government to ensure that plans agreed in London are implemented swiftly to realize improvements in security, policing, justice and public financial management. We must ensure that ordinary Somalis across the country see changes on the ground. And we must improve coordination between the international community. Along with the Council, the United Kingdom will stand shoulder-to-shoulder with the Somali people and their Government as they continue their journey towards a brighter tomorrow.

I now resume my functions as President of the Security Council.

I shall now give the floor to the members of the Council.

Mr. Briz Gutiérrez (Guatemala) (*spoke in Spanish*): At the outset, we would like to thank you, Mr. President, for presiding over this meeting, as well as to congratulate the United Kingdom on the successful holding of the London Conference on Somalia on 7 May. We also thank Deputy Secretary-General Jan Eliasson for his statement. Weare honoured by the presence of Somalia's Minister for Foreign Affairs.

We would like to touch on five particular subjects.

First, we believe that the London Conference set an important precedent in reaffirming Somalia's leadership position, given its role as co-host. We acknowledge the great efforts that Somalia's Government has made to leave behind two decades of crisis. That also required a great collective effort on the part of its closest partners, in particular the troop-contributing countries to the African Union Mission in Somalia (AMISOM), the Intergovernmental Authority

on Development (IGAD) and bilateral donors. We appreciate the international community's commitment to providing financial assistance in three vital areas for the stability of Somalia, namely, security, justice and reform of the administration of public finances. In addition, we want to highlight the joint communiqué by Somalia and the United Nations with regard to the prevention of sexual violence. We hope that the Somali Government will implement the recommendations set out in that document as soon as possible.

Secondly, we thank Special Representative of the Secretary-General Agustin Mahiga for his dedication. We also welcome the appointment of Mr. Nicholas Kay as the new Special Representative of the Secretary-General and Head of the United Nations Assistance Mission in Somalia (UNSOM). We hope that UNSOM will manage to establish a constructive relationship with the Somali Government to face key challenges, such as national reconciliation and the distribution of power and resources among the regions, the reconstruction of State institutions and the strengthening of human rights.

Thirdly, we agree that reform in the security sector is a priority and we take note of the national security plan presented by the Somali Federal Government. Like others, we believe that it is vital to consolidate the armed and police forces in Somalia. In the light of the partial lifting of the arms embargo, it is important that Somalia establish the safeguards that the Security Council called for in resolution 2093 (2013.) We also cannot fail to acknowledge the work done by the African Union Mission in Somalia. We hope that it can count on the funding needed to extend its presence to recovered areas.

Fourthly, we are concerned about the situation in southern Somalia, and in particular about the issue of "Jubaland". That situation must be resolved through a constructive dialogue that respects the provisional Constitution, with the common goal of consolidating a federal State in Somalia. Stabilizing the region is vital for the future of Somalia and, in that regard, we take note of recent IGAD's visit to Kismaayo. Al-Shabaab's links to the region and the revenues it derives from the unlawful selling of charcoal is also of great concern. We consider it important to ensure that the embargo on that product be implemented.

Fifthly, we would like to reiterate the point that the Secretary-General made in his most recent report (S/2013/326), namely, that achieving stability in Somalia is in everyone's best interest. We commend the efforts that the new Government has made in building links and trust with all its neighbours. In that regard, we recognize IGAD's important role in supporting the priorities of the Somali Federal Government.

Somalia has one of the longest coastlines in Africa. In the past, its coasts have been used for illegal activities such piracy, illegal fishing and the dumping of toxic waste. However, we hope that the Somali coast will soon become a source of revenue for the Somali population, rather than a challenge to the country.

Finally, my delegation supports the draft presidential statement that will be adopted at the end of today's meeting

Mr. Menan (Togo) (*spoke in French*): Allow me, Mr. President, to express my gratitude to your country, the United Kingdom, for having organized this briefing on Somalia as well as for the special attention that you have always paid to the reconstruction of that country. I would like to pay tribute to you, Mr. Minister, and thank you for being here among us to preside over this discussion. Next, I would like to welcome to the Security Council Ms. Fawzia Yusuf Haji Adam, Deputy Prime Minister and Minister of Foreign Affairs of Somalia. Finally, I would like to thank the Deputy Secretary-General for his briefing.

The current situation in Somalia is radically different from that which prevailed just a year ago. The transition period has come to an end. The security situation has improved and the country has entered into a new phase, one of transformation with new elected authorities as well as new institutions that have been established. Furthermore, the new federal authorities are undertaking initiatives to implement the six pillars defined in the Government's programme and to interact with regional authorities to promote reconciliation and national unity.

All of those efforts need to be consolidated and accompanied by appropriate steps, such as the Council's adoption in May of resolution 2104 (2013), which established the United Nations Assistance Mission in Somalia (UNSOM). The same goes for the appointment by the Secretary-General of Mr. Nicholas Kay as Special Representative for Somalia and Head of Mission of UNSOM and the holding, on 7 May in London, of another Conference on Somalia, upon the initiative of the United Kingdom.

Great progress has been made in Somalia in the political and security fields, but many significant challenges remain. We were therefore pleased that the London Conference provided an opportunity to take stock of the current situation in Somalia and that the discussions there focused mainly on the country's four priorities, namely, political stability, security, justice and the management of the country's public finances. The importance of the partnership between Somalia and the international community was once again highlighted, and participants committed to providing coordinated and ongoing support for the implementation of the Federal Government's plans. Everyone must now play their part to ensure that those plans are translated into concrete actions on the ground. In that context, we welcome the European Union's plan to hold a new conference on Somalia in September in Brussel. We hope that that conference will lead to decisions and commitments that will support the relaunching of the country's development.

Among the challenges the country must face, the Federal Government will have to resolve, through a comprehensive approach, the outstanding fundamental issues concerning Somalia's long-term stability, namely, political reconciliation, the development of a federal system and the constitutional revision process, including a referendum on the Constitution and preparations for the 2016 elections.

Recent developments in southern Somalia, particularly the setting up of regional administrations in Jubaland, have solidified internal divisions and reflect the magnitude of the challenges facing efforts for reconciliation and the firming up of the federal system. It is crucial not to lose sight of the fact that internal rivalries play into the hands of Al-Shabaab, which still controls vast rural areas. If the Federal Government fails to exert its authority over certain regions, such as Kismayo, it will see its influence undermined in other parts of Somalia.

In that context, the federal authorities should develop and promote good-neighbourly relations with other countries in the region, as their support is vital. We welcome the efforts that have already been made to achieve that goal, in particular in the context of the Intergovernmental Authority on Development.

The security situation in the country remains fragile, as outlined by the Secretary-General in his most recent report (S/2013/326). The report also states that targeted killings and attacks are reported on a daily basis, while incidents involving explosive devices increased in 2013 as compared with 2012.

We would once again highlight that Somali forces backed by the African Union Mission in Somalia (AMISOM) have made great sacrifices to promote peace, security and stability in the country. However, although they have caused Al-Shabaab to lose significant ground, that group continues to pose a threat to peace and security in Somalia. It is therefore important to help Somalia reform and rebuild its own security institutions with a view to enabling them to shoulder their responsibilities themselves in the long term.

Once the arms embargo is partially lifted, the Government of Somalia must come up with effective and inclusive security arrangements for the protection of civilians. In that regard, we support the call for increased support to AMISOM, especially with regard to force multipliers, in order that it may, with the support of Somali National Security Forces, consolidate the progress made on the ground and bring more areas under the control of the Somali authorities.

Furthermore, efforts designed to strengthen security are inseparable from those related to the promotion of justice and the rule of law. It is therefore crucial that a credible judicial system in Somalia be set up in order to allow the State to regain the trust of the population and bring about reconcililation in the country.

It is equally crucial that, in the fight against piracy and armed robbery, Somalia take responsibility and develop a comprehensive approach to security in its maritime areas, in order to have the means, with the support of the international community, to itself bring to account those who commit, benefit from or are involved in piracy.

I cannot conclude without briefly discussing the humanitarian situation in Somalia. Due to the ongoing conflict, the country is still in the midst of an extreme humanitarian crisis, in which more than 1 million people are in need of immediate humanitarian assistance. The international community must pursue its efforts in a coordinated manner in order to relieve the suffering of those in need.

Finally, I would like to reiterate my country's support for Mr. Nicholas Kay, who has just taken on his new role in Mogadishu. We would also like to pay tribute

to Mr. Augustine Mahiga for having worked with such determination to achieve a significant improvement in the political, security and humanitarian situation in Somalia.

Mrs. Millicay (Argentina) (*spoke in Spanish*): I would like to begin by thanking Deputy Secretary-General Jan Eliasson for presenting the Secretary-General's report (S/2013/326) on the situation in Somalia, the implementation of the mandate of the United Nations Political Office for Somalia and the planning for the deployment of the United Nations Assistance Mission in Somalia. I would like to recognize the presence among us of the Deputy Prime Minister and Minister for Foreign Affairs of Somalia, Her Excellency Ms. Fowsiyo Yusuf Haji Adan.

Argentina welcomes the consolidation of the efforts by the Government of Somalia to establish State institutions that are credible and democratic. However, we must be aware of the complexity of the tasks facing the Federal Government in terms of drafting the Constitution and establishing regional administrations that will form the basis for the federal structure of Somalia. In order for these tasks to be successfully completed, there must be an inclusive dialogue leading to the creation of broad consensus.

We welcome the recovery of certain areas near Marka and Buurhakaba by Government forces, their allies and the African Union Mission in Somalia, and we lament the loss of the city of Xuddur, which shows how difficult it is to retain control over areas that are recovered. We continue to be concerned by the unpredictability and fragility of the security situation, in particular as a result of the attacks perpetrated by Al-Shabaab, which continues to launch asymmetric attacks using terrorist tactics that cause civilians deaths.

We welcome the holding of the second London Conference on Somalia, as well as the drafting of the national security plan framework.

The difficult human rights situation is of deep concern to us. Extrajudicial executions and the selective killing of journalists can be added to serious violations of human rights, including children's rights, through deaths, mutilations, the recruitment of child soldiers, sexual abuse, kidnappings and sexual violence, in particular in the internally displaced persons camps in Mogadishu. Such abuses must come to an end. Those responsible are not just Al-Shabaab, but also members of the Somali forces and allied militias.

Argentina believes that those abuses must be investigated properly and those responsible brought to justice. In that respect, the Government must commit decisively to fighting impunity. We welcome the holding by the Government of the national conference to examine the current justice system and to recommend legislative and institutional reforms. That is an essential contribution to cementing the establishment of the rule of law.

Argentina would like to acknowledge the work that the Government has done together with the United Nations to apply a plan of action to put an end to the recruitment, exploitation, murder and mutilation of children. We commend the Somali National Security Forces' delivery to UNICEF of 41 former child soldiers for reintegration. We welcome the signing on 7 May of a communiqué between the Government of Somalia and the United Nations on the prevention of sexual violence.

We welcome the improved humanitarian situation; however, we are still concerned about the fact that 2.7 million Somalis continue to rely on the provision of aid. It is vital to ensure that such humanitarian assistance reaches its destination in order to prevent any deterioration of the situation. It is also essential that the physical persons of humanitarian staff be respected.

Argentina would like to highlight the work being done by the United Nations Office in Somalia and to express its thanks to Mr. Augustine Mahiga, who has facilitated the end of the transition period, and the political process. We would also like to congratulate Mr. Nicholas Kay on his appointment as the new Special Representative of the Secretary-General and Head of the United Nations Assistance Mission in Somalia. His work will have my country's full support as he provides coordination assistance to the Somali authorities, enabling them to consolidate successes in the areas of security and support for the civilian population as well as providing comprehensive support for peacebuilding and the reconstruction of the State. We firmly believe in the importance of maintaining an approach that fully respects the Somalis' responsibility for peacebuilding and implements a long-term strategy for developing their capacities, as well as supporting an accelerated transition from humanitarian aid to economic recovery and development.

Lastly, Argentina would like to pay tribute to the work of the African Union in Somalia through the African Union Mission in Somalia. Its strategic partnership with the United Nations remains crucial, and we are sure that it will continue to play an important role. We would also like to stress the importance of ensuring that the Mission is provided with sustainable and predictable financing mechanisms and the operational capacity necessary for the fulfilment of its mandate. In order to deal with all those challenges, the international community must remain committed to Somalia.

Mr. Li Baodong (China) (*spoke in Chinese*): I would like to thank the United Kingdom for its initiative in convening this meeting on Somalia, and to thank Mr. Simmonds for presiding over our discussion. I would also like to thank Deputy Secretary-General Eliasson for his briefing, and to welcome Her Excellency Ms. Fowsiyo Yusuf Haji Adan, Deputy Prime Minister and Minister for Foreign Affairs of Somalia.

Somalia now has a historic opportunity to make the transition from turmoil to stability. A breakthrough was recently made in the peace process. The transitional period has ended smoothly, and the first elected Government and Parliament in 22 years have been formed, starting the process of rebuilding the State. The security and humanitarian situation has also improved, and China welcomes those developments.

We also know that Somalia still has a long way to go to achieve lasting peace and development. The Government is still facing many difficulties and challenges in maintaining stability and promoting reconciliation and development. The security and humanitarian situations remain fragile. Somalia must not falter in its efforts to address those issues, while the international community must also continue to provide strong support. For now, we should focus on the following aspects.

First, in order to make tangible progress in the peace process, we should support the Government's efforts to enforce the provisional Constitution, implement its six-pillar policy and speed up State institution-building, particularly in the areas of security and the judiciary, and to promote a functioning Government capable of administering the entire country effectively.

National reconciliation is the only way that Somalia can achieve long-term stability and security. We urge opposing groups in Somalia to renounce violence and join the political process unconditionally and as soon as possible. We hope that the parties will put the interests of the State and people first, and that in a spirit of solidarity and reconciliation they will temper their differences through dialogue and consultations, so they can work together to maintain the unity and stability of the State as well as its economic and social development.

Secondly, in support of the efforts of regional organizations such as the African Union and the Intergovernmental Authority on Development to address this issue, China commends the efforts made by countries in the region and regional organization towards achieving peace and stability in Somalia. We hope that in dealing with these issues, the United Nations and the international community will strengthen their coordination with those countries and the relevant regional organizations and take full heed of their opinions. The African Union Mission in Somalia (AMISOM) plays a vital role in maintaining security and stability in Somalia, and has made sacrifices and an important contribution to that cause. The United Nations and the international community should increase their support to AMISOM and provide it with sustainable and predictable funding.

Thirdly, the United Nations and the international community should play a positive and constructive role in resolving this issue. We hope that the United Nations Assistance Mission in Somalia (UNSOM) will be deployed as soon as possible, that it will strengthen its coordination with Somalia and the relevant parties in the international community and carry out its work according to the Council's mandate. We hope the international community will continue to increase the attention and support it gives Somalia and to provide support and assistance for efforts aimed at peacebuilding and reconstruction, particularly the Government's capacity-building efforts. We welcome all efforts on the part of the international community to resolve this issue successfully, including the second London Conference on the issue, held in early May. We also reiterate that the international community should fully respect the sovereignty and independence of Somalia, and that its various components should strengthen their coordination with one another while making full use of their respective advantages.

China follows developments in Somalia closely. We are a firm supporter of the peace process there and have provided assistance, within our capacity

to do so, to Somalia and AMISOM. Along with the international community, we stand ready to make our due contribution to achieving lasting peace and reconstruction in Somalia.

Mr. Quinlan (Australia): Thank you, Mr. President, for the United Kingdom's leadership on Somalia. I welcome the presence of Deputy Prime Minister Fowsiyo Yusuf Haji Adan. We admire her singular contribution and history. We are also grateful for the Deputy Secretary-General's briefing. I will circulate a slightly more detailed statement later today.

This is a pivotal time in Somalia's history — a time of great hope and optimism, but also a time when gains remain fragile. But there is a unique window of opportunity that we must open further. The opportunities are significant. Somalia's most representative Government in 20 years is in place in Mogadishu and has outlined strong plans on security, justice and financial management that the international community must remain committed to supporting.

The security gains made by the Somalia National Security Forces, the African Union Mission in Somalia (AMISOM) and strategic partners have been impressive. We would like to recognize the great sacrifices made by AMISOM contributors and the Somali security forces, and we commend the leadership of the African Union (AU).

The new United Nations Assistance Mission in Somalia (UNSOM) has a strong mandate to support the Government to advance peace and reconciliation, and to coordinate donor support. It responds to the Government's call for "one door to knock on". Close cooperation with the AU will be decisive, and we express our strong support for the Special Representative of the Secretary-General, Mr. Kay.

Somalia's economy is picking up, investment is beginning to flow, and the diaspora is returning. That is a cause for optimism. But the challenges are immense, and sustained international support is essential. On the political front, Somalia is moving towards the goal of holding national elections by 2016. That involves building up State institutions, often where central Government structures have not been relevant for a generation; advancing reconciliation; developing a federal system; and undertaking a constitutional review. UNSOM must respond flexibly to the Government's needs for support in those areas.

We know that establishing a federal system will not be easy. Relationships between Mogadishu and local and regional administrations will be critical. We welcome the reopening of dialogue between the Federal Government and Somaliland.

Tensions in the Juba region are of particular concern, and a solution is urgent to avoid the unravelling of recent gains. We welcome the Government's commitment to pursuing reconciliation and the role being played by the Intergovernmental Authority on Development. We urge UNSOM to use its good offices in support of this. The Council must pay close attention, and we would welcome a dedicated briefing at some time on this important subject.

More broadly, Somalia's relations with its neighbours are vital, particularly given the intertwined nature of their security challenges. We recognize the role that those neighbours play in assisting refugees and urge the continuation of the work under way by Kenya, Somalia and the Office of the United Nations High Commissioner for Refugees to develop a framework for voluntary refugee returns.

The human rights situation remains of grave concern. Levels of sexual and gender-based violence, particularly in camps for internally displaced persons, are alarming. There can be no impunity. The protection of human rights is at the heart of efforts to build a new Somalia, and we welcome the Government's intention to adopt a human rights road map. We will be looking to UNSOM to take forward its strong mandate to assist the Government's human rights capacity and to monitor and report.

Turning to security, we all know that Al-Shabaab, although diminished, remains a threat, as evidenced by the recent attacks in Mogadishu, as well as its ability to regain territory where a security vacuum emerges. It is critical that we support the Government in delivering a peace dividend in recovered areas.

AMISOM is clearly overstretched. The Mission is unable to continue the commendable progress it has achieved in recovering territory with its current resource levels. Its lack of enablers and resourcing constraints threatens its long-term success. We think the time has come for an in-depth analysis of AMISOM's needs in relation to force numbers and configuration, enablers and financing. We look forward to the forthcoming joint review by the Department of Peacekeeping Operations and the AU. We urge close

cooperation between the United Nations and AU on this exercise, in the spirit of the AMISOM strategic concept produced in 2011-2012, which was an excellent example of the two organizations working together. It will be important for countries that contribute troops to AMISOM be consulted closely.

Of course, the end goal is for Somalia to assume responsibility for its own security. Rebuilding the security services will be a long-term endeavour, but work to consolidate the nucleus of those forces is urgent. Compliance with reporting requirements for the partial suspension of the arms embargo is also important, as are long-term efforts to counter piracy.

In conclusion, we all have a stake in Somalia's success. The conflict has had significant, broader implications for terrorism, refugees and piracy. Like others, we pledge our support to the Federal Government's efforts to ensure that the page is turned, that gains are consolidated, and that Somalia continues down its new path towards peace, stability and prosperity.

Mr. Bertoux (France) (*spoke in French*): Mr. President and Minister, I welcome your participation in today's debate. I welcome also the Deputy Prime Minister and Minister for Foreign Affairs of the Federal Republic of Somalia, and I thank the Deputy Secretary-General for his briefing.

For over a year, undeniable progress has been made in Somalia, with the recovering by the African Union Mission in Somalia (AMISOM) and the Somali National Security Forces of territories held by Al-Shabaab; the completion of the transition, which marked a political turning point with the election of President Hassan Sheikh Mohamud; and even the hope of economic recovery. These developments are undoubtedly positive. Nonetheless, they remain fragile and reversible.

At the security level, progress seems to have reached a plateau. Al-Shabaab has proved to be resilient. It still controls significant areas and has demonstrated, through deadly actions, its ability to conduct destabilization operations in the liberated territories. In addition, as underscored by the Secretary-General, AMISOM no longer seems able to recover new territories.

At the political level, the Government is facing difficulties in establishing the regional administrations. The current tensions in the south, especially in Kismaayo, are the result of various factors: clan rivalries, foreign influences and problems related to the sharing of resources. This crisis has the potential to destabilize southern Somalia and undermine months of progress.

Faced with these challenges, the Council must continue its support for AMISOM and its troops, whose sacrifices are immense. The Council must also continue its support for the Somali authorities, whose duties are just as important. We cannot lose this opportunity to pull Somalia out of the vicious circle in which it has been caught for more than 20 years.

The military effort must be carefully considered in three stages. In the immediate future, we must ensure that the Ethiopian withdrawal from western Somalia takes place in coordination with AMISOM. We must avoid creating a security vacuum, which would allow Al-Shabaab to regain its foothold in the liberated areas. The Ugandan and Burundian contingents must be deployed, in accordance with agreements reached with Ethiopia, as soon as possible.

In the medium term, we must think about a strategy for taking back the Somali territory that remains under the control of Al-Shabaab. We must also think about how to strengthen AMISOM to enable it to expand its area of control. In that context, we must take into account existing budgetary constraints. It should be recalled that, since 2007, the European Union and its member States have been the main financial contributors to this operation, the costs of which have significantly increased since the beginning of 2012. New contributors are now essential in order for the effort to be continued.

In the long term, our strategic priority must be to strengthen the capacity of the Somali forces, which is the only response that could sustainably stabilize the country. To that end, we encourage Member States to strengthen their cooperation with the Somali forces, following the example of the training undertaken by the European Union. We also expect the United Nations Assistance Mission in Somalia (UNSOM) to provide all necessary support to the Somali Government to coordinate international assistance in the area of security.

In the absence of a political solution in connection with regional administration, our military efforts will be insufficient. A negotiated political solution must be found to the current crisis in Kismaayo. To that end, France supports the mediation role of the

Intergovernmental Authority on Development (IGAD), in accordance with the terms of the communiqué adopted at the summit of the IGAD Heads of State and Government, held in Addis Ababa on 24 May. We call on all parties to exercise restraint and work towards national reconciliation. Neighbouring States should also play a constructive role in helping the Somali Government. UNSOM may, for its part, contribute through its good-offices mandate. In any event, it is essential that the Security Council redouble its monitoring of that issue given its potential for destabilization.

In that regard, my delegation is gratified by the message sent by the draft presidential statement that we will adopt at the end of this debate.

Mr. Gasana (Rwanda): I would like to thank His Excellency Mr. Mark Simmonds, Minister for African Affairs and President of the Security Council, for having organized this important briefing. I take this opportunity to commend the United Kingdom through you, Mr. President, for the positive role it continues to play in favour of Somalia and its people. In that regard, we reiterate our support for the draft presidential statement that will be adopted shortly.

I wish to acknowledge the presence of Her Excellency Ms. Fowsiyo Yusuf Haji Adan, Deputy Prime Minister and Minister for Foreign Affairs of the Federal Republic of Somalia, and His Excellency Mr. Tekeda Alemu, Permanent Representative of Ethiopia and representative of the Chairperson of the Intergovernmental Authority on Development (IGAD). I also wish to thank His Excellency Mr. Jan Eliasson, Deputy Secretary-General, for his briefing.

As the people of Somalia continue to rebuild the country, which was described as a failed State during the last two decades, we can today be reasonably optimistic. We are indeed witnessing significant progress towards sustainable peace and stability in Somalia. The Federal Government of Somalia, under the leadership of President Hassan Sheikh Mohamud, has shown its commitment and willingness to address major challenges, which will ensure peace, stability and development while promoting human rights in Somalia. In that context, we will come to the six-pillar policy framework, adopted by the Federal Government, which aims to tackle the most urgent issues for the Somali people. We call on the international community to continue its support of that aspiration for prosperity and self-reliance.

We praise and acknowledge the tremendous efforts of the Somali National Security Forces, which, with the support of African Union Mission in Somalia (AMISOM), has succeeded in improving security in the country, defeating Al-Shabaab in a number of cities and areas. However, the fight against Al-Shabaab is far from over. We hope that the efforts made by the Somali National Security Forces will be amplified in order to ensure an the full liberation of of Somalia. In that regard, we urge the Security Council to consider positively the request of the African Union (AU) addressed to the Secretary-General to provide additional resources to AMISOM, which is reaching its maximum operational capability. Those necessary resources, which include enablers and force multipliers as well as the means to reconfigure AMISOM forces are critical for the Mission to be able to hold territory and to expand areas under its control.

On that note, we once again reiterate our gratitude to AMISOM, its troop-contributing countries as well as the AU, the IGAD and financial partners, such as the European Union, for their support to Somalia. Furthermore, it is imperative for long-term security in Somalia that the Federal Government undertake security-sector reforms and work at building a strong and professional army able to defend and protect the Somali population while combating Al-Shabaab and any other threats facing the country.

We welcome the establishment of the United Nations Assistance Mission in Somalia and the broad mandate it was entrusted with in support of the Federal Government of Somalia. We stress, however, the need for effective national ownership in the peacebuilding phase. In that regard, we are convinced that Nicholas Kay, the new Special Representative of the Secretary-General for Somalia, has the competence required to lead United Nations efforts on the ground.

On the political process, Rwanda welcomes the commitment of the Government of Somalia to continue its effort to establish regional administrations and to engage country-wide reconciliation and political outreach. We call upon the Federal Government and regional administrations to always aim for dialogue in their relationship in accordance with the provisional federal Constitution.

We acknowledge the imrpovement in the humanitarian situation and we note that the needs remain very significant, with 2.7 million Somalis dependant on

assistance. We urge international solidarity for Somalia and we once again commend the United Kingdom for hosting the Somalia Conference in London on 7 May.

In conclusion, Rwanda stands ready to continue its support of Somalia and assist other countries. Somalia has indeed made significant progress and is ready to own its destiny with the support of bilateral and multilateral partners. Security challenges remain, but we are convinced that Somalia will at last win its battle after two decades of conflicts and statelessness.

Ms. Lucas (Luxembourg) (*spoke in French*): I thank the United Kingdom for having convened this meeting during its presidency of the Security Council, providing us with an opportunity to take stock of the situation in Somalia one month after the London Conference on Somalia. Mr. Minister, I also welcome your personal participation. Allow me also to welcome the Deputy Prime Minister and Minister for Foreign Affairs of Somalia, Ms. Adan.

Somalia has indeed entered a new era. The transition has concluded. Legitimate authorities that enjoy the trust of the majority of the population are consolidating their efforts to promote peace and to establish representative institutions in Mogadishu and beyond. The country, which for far too long has been ravaged by war, is now on the right path, that of political and security progress. However, considerable challenges remain.

With the support of the international community, including the United Nations Assistance Mission in Somalia, the Somali authorities will have to establish a federal system, revise the Constitution and prepare for a referendum on the future Constitution and for elections to be held in 2016. Women should be fully involved in the political process. In parallel, a process of reconciliation should be undertaken between the Federal Government and regional entities, particularly in Kismaayo, where the situation is especially worrisome.

We believe that particular attention should be given to the regional dynamics. The establishment of a regional framework could help build confidence among the States of the Horn of Africa, define the necessary security guarantees and strengthen economic cooperation in that part of Africa. In that context, we welcome the efforts of the Intergovernmental Agency on Development to support stabilization in Somalia.

Security is a precondition for the reconstruction of Somalia. Despite the remarkable efforts of the Somali National Security Forces, their allies and the African Union Mission in Somalia (AMISOM), Al-Shabaab still controls a large part of the country. We therefore welcome the adoption by the Somali authorities of strategic plans aimed at developing the security and police forces, as well as the judicial system. During the London conference, my country was among those that committed itself to financially supporting security-sector reform. The Federal Government of Somalia will have to be in a position to coordinate the activities of international donors in that area. It must also work to establish a disarmament, demobilization and reintegration programme.

We share the concern of the Secretary-General, who believes that AMISOM has reached its limit in terms of its capacity to retain control of the liberated areas and to continue its offensive operations. We therefore support the Secretariat's intention to carry out this summer, jointly with the African Union, an assessment of AMISOM, with a view to reinforcing the complementarity of United Nations and African Union efforts.

Improved security conditions on the ground will also help to address the root causes of piracy. In that context, the adoption of the new Somali strategy for maritime security is welcome. Luxembourg will continue to provide assistance in that area by making maritime surveillance aircraft available to the European Union's Atalanta Mission.

I will conclude my remarks by briefly addressing the human rights situation, which, regrettably, remains of great concern. The number of journalists killed and of incidents involving sexual violence, particularly in camps for internally displaced persons, and acts of violence against children continue to be alarming. It is important that the Somali authorities ensure that those responsible for such violations of human rights are brought to justice.

In that context, Luxembourg welcomes the commitment undertaken by the Federal Government of Somalia to combat sexual violence and to implement the action plans adopted in 2012 aimed at putting an end to the recruitment and use of child soldiers and to the murder and mutilation of children. It is important in that regard that security-sector reform provide for the

establishment of measures prohibiting the recruitment and use of children by the Somali armed forces.

We are convinced that with the decisive support of the international community — the Brussels conference to be held in September will represent an important step in that respect — and of the Security Council in particular, the Government and the people of Somalia will be able to continue to advance along the path of peace, security and prosperity.

Mr. DeLaurentis (United States of America): Allow me to thank you, Mr. President — Minister Simmonds — for hosting this session and to thank Deputy Secretary-General Eliasson for his briefing. I wish to welcome the presence of the Deputy Prime Minister and Minister of Foreign Affairs of Somalia as well.

At the outset, we would like to take this opportunity to express appreciation to the former Special Representative of the Secretary-General, Mr. Mahiga, and to the United Nations Political Office for Somalia for their contributions to Somalia's progress. The United States welcomes the establishment of the United Nations Assistance Mission in Somalia (UNSOM), based in Mogadishu, and looks forward to its expanded presence in key locations throughout the country. With a fully integrated United Nations country team, UNSOM will provide the Somali Government "one door to knock on" for United Nations support. We also welcome Nicholas Kay as the new Special Representative of the Secretary-General for Somalia and Head of UNSOM. We support his early outreach to the African Union, as the UNSOM-African Union partnership is critical to fostering peace and stability in Somalia. In addition, we especially want to thank the brave soldiers of the African Union Mission in Somalia (AMISOM), the Ethiopian Defence Forces and the Somali National Security Forces. Their sacrifices have made possible a brighter future for the people of Somalia.

But much work remains. Despite many tactical successes, Al-Shabaab is not yet defeated, and there are others who wish to drag Somalia back into chaos. Recent terrorist attacks show that Mogadishu and many rural parts of Somalia are still vulnerable. We look to the Somali National Security Forces and AMISOM to continue their efforts to expand and maintain control over the country, so that the Somali Government can improve governance and the rule of law. In addition, we urge Member States to fulfil their obligations related to the targeted sanctions, the modified arms embargo and the charcoal ban to stop proceeds from providing revenue to Al-Shabaab.

We strongly support President Hassan Sheikh Mohamud's national security strategy and look forward to its implementation. At the second London Conference on Somalia, held on 7 May, the United States announced almost $40 million in new assistance to support development and justice sector reform in Somalia. We applaud those who also made pledges and stress that fulfilling our pledges is essential for continued progress.

Long-term stability in Somalia depends on many factors — an effective, responsible security sector, good governance and the rule of law, and economic development. On the security front, AMISOM's training of the Somali National Security Forces and joint combat operations are critically important. The relocation of the European Union Training Mission in Somalia from Uganda to Mogadishu is another positive development.

We encourage United Nations entities and donors to continue to support economic development, including efforts to address land disputes, which is a key driver of conflict. We recognize the work of the United Nations Development Programme to establish a microfinance mechanism in Somalia and encourage greater attention to youth unemployment.

The United States remains gravely concerned by continuing human rights violations in Somalia, including alarming reports of sexual violence and exploitation. We appreciate the work that Special Representative Bangura has contributed towards the United Nations-Federal Republic of Somalia joint communiqué of 7 May, in which Somalia makes significant commitments to addressing sexual violence. The substantial decline in reported cases of grave violations against children in the first quarter of 2013 is encouraging, but the 552 cases that have been reported remain alarming. We urge increased attention to that overall problem and look to the Somali Government to follow through on its declared intent to work with the international community to fight the scourge and hold perpetrators accountable.

We are also concerned about Somaliland's decision on 14 May to ban United Nations flights over Somaliland airspace. That could harm the humanitarian situation there and affect the provision of food, shelter, water

and sanitation, and other support by humanitarian organizations. The Office for the Coordination of Humanitarian Affairs estimates that approximately 413,000 people in Somaliland need humanitarian aid, including 39,000 children who suffer from malnutrition. More than 85,000 people remain displaced due to recurrent drought and conflict.

Somalia must continue moving along the path to national elections and a referendum on the national constitution by 2016. The United States continues to support Somali-led governance and calls for further dialogue with local political and community leaders, including women, on unresolved regional issues. The situation in Jubaland is particularly concerning. We look to Somalia's neighbours for support in easing the tension and finding lasting solutions. We applaud those regional actors that have played a positive role in supporting Somalia's unity and sovereignty, especially in the early days of President Hassan Sheikh Mohamud's Administration.

We join those here today who are committed to Somalia's success and will continue to make every effort to support the Government and the people of Somalia as they strive for peace and prosperity in their country.

Mr. Bouchaara (Morocco) (*spoke in French*): Allow me to welcome you among us this morning, Mr. President. I would like to thank the delegation of your country, the United Kingdom, for having organized this important meeting on Somalia at a crucial point in the reconstruction of the Somali State. I also welcome among us Ms. Fowsiyo Yusuf Haji Adan, Deputy Prime Minister and Minister for Foreign Affairs of Somalia. I would also like to thank the Deputy Secretary-General for his statement. Our congratulations also go to Mr. Nicholas Kay on his appointment, and we would like thank Mr. Augustine Mahiga for the remarkable work that he did as Head of the United Nations Political Office for Somalia.

Morocco welcomes the significant progress that has been seen in Somalia as it proceeds along the path of reconciliation and peace. A new dynamic has been launched for the rebuilding of a unified Somali State following a civil war that has lasted more than 20 years. The emergence of the new political situation would not have been possible without the determination of the Somali people and the impetus given to the process of political stabilization by the international community. However, Somalia continues to face a number of challenges which require significant support from its various partners.

The deepening of the political and security achievements made up until now is of primary importance to enabling Somalia to move assuredly towards the next political steps, particularly the establishment of a federal system, the adoption of a constitution and the holding of the elections planned for 2016. The second London Conference, on 7 May, helped to maintain the impetus of the international community to strengthen the capacity of Somalia, particularly in the areas of security, justice and the management of public finances, which are critical aspects to ensuring the stability and the viability of the Somali State.

The gains made in the area of security and the freeing of Mogadishu and other parts of the country were decisively important for the success of the political process and the end of the transitional period in Somalia. We would like to express in that regard our thanks to the Somali security forces and the African Union Mission in Somalia, as well as to the troop contributing countries for their efforts and their sacrifices. However, the security situation in Somalia remains fragile, and the Al-Shabaab movement is still a threat to the peace and security of the country. The loosening of the arms embargo through the resolution 2093 (2013) should strengthen the Somali security forces in order to make it possible for the Somalis to take ownership of their own security and to ensure peace throughout the country.

Somalia needs the help of all partners in order to make progress towards political stability and social development and in order to establish a sustainable economy. We welcome resolution 2102 (2013), on the creation of the United Nations Assistance Mission in Somalia and its deployment, which was adopted a few days ago. It is important to stress the need for there to be greater coordination of international assistance in order to avoid fragmentation and duplication of efforts.

National ownership by the Somalis of the process of reconstruction of their State should be one of the guiding principles for any assistance provided to Somalia, both in terms of political facilitation and economic development. The six priorities of the Somali president provide an adequate framework for strengthening stability in the country on the basis of a Somali national vision.

We welcome the resumption of economic activity in the capital, Mogadishu, thanks to the improvement of the security situation. The promotion of investment in activities that create jobs and the provision of basic services to the Somali population are necessary for ensuring that the gains obtained in matters of peace are lasting. Despite a steep drop in the number of new attacks, piracy along the coast of Somalia is still a worrying concern for international shipping in the region. Solving the problem of piracy in Somalia requires a wide-ranging approach that tackles the root causes, as well as continued international cooperation based on coherent, coordinated action. To that end, the international community must continue to show proof of its solidarity and step up its efforts to conquer the humanitarian crisis in Somalia.

Mr. Pankin (Russian Federation) (*spoke in Russian*): We welcome you, Mr. President, in your capacity as President of this Security Council meeting, which comes as a follow-up to the successful international Conference on Somalia held in London.

We are pleased to welcome Her Excellency Ms. Fowsiyo Yusuf Haji Adan, the Deputy Prime Minister and Foreign Minister of Somalia, to the Chamber. We would like to thank Deputy Secretary-General Jan Eliasson for his presentation of the Secretary-General's report (S/2013/326). We agree with his conclusion that the military and political situation in Somalia remains tense and will require corresponding continuing military pressure on Al-Shabaab. That terrorist group still controls a significant piece of the southern and central part of the country and is in active opposition, resorting to partisan attacks on African peacekeepers and security forces and using terrorist tactics, including in Mogadishu, where an extremist underground movement is reportedly still active. Reports of Al-Shabaab's spreading influence in the north of the country can only provoke anxiety. It is essential to reinforce and build on the recent military successes of the African Union Mission in Somalia (AMISOM), the National Security Forces and their Ethiopian colleagues, by acting vigorously, avoiding a military vacuum and speedily occupying the remaining extremist positions so as to allow them no independent local base from which to regain control over liberated areas. And that, unfortunately, has already happened in a number of cases.

In that regard, there can be no doubt as to how essential it is to continue to help to strengthen AMISOM, given its limited resources and increasing area of responsibility. The arms and charcoal embargoes on Somalia and the region remain important tools in the cooperative stabilization effort as long as they are strictly observed by Member States, which is far from always the case. Weapons freely enter Somalia, and charcoal continues to be shipped to consumers, and is a source of significant material and financial sustenance for Al-Shabaab.

Given current realities, one of the Somali Government's priorities should be strengthening the security sector and State institutions, including in areas where it is essential not to leave a political power vacuum in the wake of Al-Shabaab's exit, to provide the population with vital basic services and to advance the political process with the aim of establishing a permanent constitution for the country and holding general elections in 2016.

Tackling the tasks of national reconciliation is just as important, including the reintegration of former combatants and the development of federalism by strengthening links to regional administrations and taking local social traditions and customs into account. We support the Government's efforts to launch a dialogue with representatives of Somaliland and Jubaland on how to conduct mutual relations based on the inviolability of the country's sovereignty and territorial integrity and in accordance with its Provisional Constitution. We believe that the role of the Intergovernmental Authority on Development (IGAD) as an intermediary in this area is fundamental.

As before, the humanitarian situation, which is still an acute threat, requires serious attention. The numbers of starving people, the internally displaced and refugees are not falling.

We should not fail to note the positive trend in the fight against piracy. International efforts in that area have led to a substantial drop in the number of pirate attacks. The key to solving the problem still lies in achieving a complex anti-piracy strategy, and above all establishing order on land. Also in the forefront is the task of coordinating efforts to suppress financing channels for piracy, including by applying specific sanctions.

In conclusion, I would like to welcome Mr. Nicholas Kay's start at work as the new Special Representative for Somalia. We hope that the recently created forthcoming United Nations Assistance Mission in Somalia

(UNSOM) will be rolled out as soon as possible and will busy itself by supporting the Government of the country in resolving the priority tasks of peacebuilding, including security-sector reform and the coordination of international aid. In that regard, it will be essential to refine the mechanisms whereby UNSOM coordinates its activities with the United Nations country team, the African Union and IGAD, and giving special attention to the security situation. We believe that the new United Nations partnership will give impetus to the stabilization process in Somalia, for whose success the primary responsibility lies, of course, with the Somalis themselves. We would like to wish them every success.

Mr. Sul Kyung-hoon (Republic of Korea): At the outset, I would like to express my sincere appreciation to the United Kingdom for convening today's meeting on the situation in Somalia. We welcome you, Mr. President, in your capacity as President of today's meeting. I would also like to extend my appreciation to the Deputy Secretary-General for his comprehensive briefing. And we appreciate the participation in today's meeting of Her Excellency Ms. Fowsiyo Yusuf Haji Adan, Deputy Prime Minister and Minister for Foreign Affairs of Somalia.

As many Council members have emphasized, Somalia is at a critical juncture. There have been signs of hopeful progress as well as daunting challenges. The dangers of Al-Shabaab can easily overshadow many political and security developments. Today, I would like to focus on three points that are crucial to maintaining positive momentum. First, we commend the fact that the second London Conference, held in May, successfully garnered the necessary political will and commitment needed to enhance the political situation in Somalia. We hope that the Federal Government of Somalia (FGS) will continue to establish well-functioning State institutions and to settle constitutional issues with firm resolve. Proactive engagement with local authorities will be a big task for it. Dangers still lurk, however. Clan-based rivalry in Jubaland threatens federalism in Somalia and risks inciting further conflict. We strongly encourage the Federal Government and the regional authorities to continue constructive dialogue on consolidating federalism. In that regard, the United Nations Assistance Mission in Somalia (UNSOM) provides a useful platform from which the international community can pursue engagement with the Somali authorities in a coordinated and effective manner.

Secondly, addressing the security threats posed by Al-Shabaab is vital. Although it has been weakened by successful operations conducted by the African Union Mission in Somalia (AMISOM), there is still a risk that the political and security gains achieved so far may be reversed. The Federal Government should continue with its efforts on security sector reform. At the same time, it should also tackle the continuing abuses of civilians by undisciplined elements of the Somali National Security Forces. We appreciate the sacrifices and efforts made by those countries contributing troops and police to the Mission. We also recognize the efforts of the Member States and regional organizations that are contributing financially to sustaining AMISOM's operations.

Another vital necessity is the strict application of the sanctions regime, as the Secretary-General's report (S/2013/326) underscored. The international ban on charcoal from Somalia established by resolution 2036 (2012) is a useful measure for preventing the flow of revenues to Al-Shabaab. In that regard, it is worrying that charcoal is still being produced and exported. The Federal Government should take concrete measures to find a lasting solution to this problem, and Member States should also make the greatest possible effort to implement the embargo on Somali charcoal.

Security Council resolution 2093 (2013) partially suspended the arms embargo in Somalia in order to support the strengthening of its security institutions.

The potential flow of arms into the hands of terrorists should be avoided at all costs. In this regard, the Somali Government and supplying States are strongly requested to abide by the provisions of the resolution. As Chair of the Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, the Republic of Korea will do its utmost for the effective implementation of the Somalia sanctions regime.

Thirdly, measures to improve the human rights and humanitarian situations need to be taken. Women and children are the major victims of human rights and humanitarian violations. The level of sexual violence remains high. In this regard, we welcome the joint communiqué issued by the Federal Republic of Somalia and the United Nations on the prevention of sexual violence.

Although the humanitarian situation in Somalia is improving, the need for humanitarian assistance is still grave. In order to help cope with the persistent

humanitarian challenges, the Republic of Korea is now seeking ways to increase bilateral support for Somalia in line with the national plan, in addition to multilateral cooperation.

Long-term sustainable economic development is another key area that the Somali Government and the international community should pursue. We believe that Somalia should first seek a competitive economic basis on which it can advance economic growth. After that, the well-coordinated support of the international community will be crucial in realizing Somalia's vision for economic. In this process we would like to stress that measures to improve the situation in Somalia should be based on the principles of Somali national ownership, partnership and coordination.

Mr. Mehdiyev (Azerbaijan): At the outset, allow me to express our gratitude to you, Sir, for convening and presiding over this important meeting. We are also grateful to Deputy Secretary-General Jan Eliasson for his comprehensive briefing and presentation of the report of the Secretary-General (S/2013/326). I should also like to welcome the Deputy Prime Minister and Foreign Minister of Somalia, Her Excellency Ms. Fowsiyo Yusuf Haji Adan, to today's meeting.

As the Secretary-General notes in his report, Somalia is on the right path towards achieving stability that could, in turn, create conditions for tangible peace dividends for all Somalis. We welcome the progress made on the political and security fronts in Somalia, and reiterate our strong support for the Somali authorities in their efforts to overcome the obstacles to achieving reconciliation and to build and secure a united, democratic and prosperous nation.

The international conference convened in London 7 May agreed on the need for the sustained engagement of the international community to support the long-term State-building efforts of the Federal Government of Somalia. We are confident that the Brussels conference will be another important milestone in providing results-oriented support for the peace and development process in Somalia.

The Council's approval of the Secretary-General's vision for the new, full-fledged United Nations Assistance Mission in Somalia (UNSOM) represents a renewed commitment on the part of the United Nations to assisting the Federal Government in creating a political and strategic environment conducive to peacebuilding in Somalia. We believe that the six-pillar policies defined by the President of Somalia constitute a solid basis for a comprehensive and multidimensional strategy that will further contribute to political and national reconciliation, the swift and effective implementation of security-sector reforms, economic recovery and development. We note the strong political will of the Federal Government to rebuild Somalia's war-torn society and to push forward the peacebuilding and State-building process.

We also share the Federal Government's view that security is the essential prerequisite for further progress in all other spheres. It is crucial to continue to make all necessary efforts in order to effectively address the threats and challenges posed by terrorist and armed opposition groups, in particular Al-Shabaab, including by supporting and implementing measures against those internal and external actors who attempt to undermine the country's peace process. There is thus an urgent need for enhanced support to the Somali National Security Forces and the African Union Mission in Somalia (AMISOM), particularly through the allocation of additional investments and resources. Such support is indispensable for sustaining security gains and creating conditions for further peacebuilding.

Azerbaijan stresses the importance of the consistent, strong commitment of the Security Council and the broader international community to the sovereignty, territorial integrity, political independence and unity of Somalia. In that context, we take positive note of the recent dialogue between the Federal Government and Somaliland in Ankara as a significant step towards peace and stability in Somalia. At the same time, we share the concern expressed over the situation in Kismaayo at the twenty-second summit of the Intergovernmental Authority on Development, held in Addis Ababa. Additional efforts are also needed in combating piracy, armed robbery and hostage-taking off the coast of Somalia.

It is important to ensure that national commitments are matched with the strong support and assistance of the international community. Full respect for the relevant international law is a necessary precondition for the effectiveness of the anti-piracy response and international cooperation.

In conclusion, let me pay tribute to the United Nations, the African Union, AMISOM and the troop-contributing countries for their continuing commitment to bringing peace and stability to the country. I

should like also to commend the Organization of Islamic Cooperation, the League of Arab States, the European Union and individual Member States for their contribution to achieving peace and national reconciliation in Somalia and mobilizing assistance to meet the urgent needs of the peoples affected by the humanitarian crisis.

Mr. Masood Khan (Pakistan): We thank you, Sir, for presiding over the Security Council's debate, and we welcome Her Excellency Ms. Fowsiyo Yusuf Haji Adan to the Council. We thank Deputy Secretary-General Jan Eliasson for presenting the report of the Secretary-General on Somalia (S/2013/326) and for his concise and action-oriented briefing to the Council.

Pakistan welcomes the continuing transition towards peace and stability in Somalia. The Secretary-General's determination that Somalia is on the right path to achieve stability and progress is reassuring. The four-year strategic plan adopted by the Parliament and the Government's six-pillar policy to revitalize national institutions demonstrate the leadership's strong commitment to rebuilding Somalia, which was wracked by decades of strife and civil war.

The efforts by the Federal Government of Somalia to establish credible State institutions and to reach out to the various subregions will consolidate democracy and federalism in the country. We applaud the close personal engagement of President Hassan Sheikh Mohamud to pursue national reconciliation and hope that his efforts will pave the way for the finalization of the Constitution and the holding of national elections in 2016. In the context of that effort, the good offices of the United Nations will be most helpful.

Despite the obvious progress made, Somalia still faces daunting challenges. Power-sharing among federating units, the distribution of revenues and resources, the establishment of local administrative institutions, the provision of basic services and the return of refugees and internally displaced persons require strenuous efforts and adequate resources.

The most serious of all challenges is security and stability, which is threatened by a defiant and recalcitrant Al-Shabaab and other militant outfits. Somalia cannot overcome those problems on its own; it needs sustainable international support. Such support was evident at the London Conference last month, where concrete pledges were made to assist Somalia in strengthening its armed forces and police, rebuilding the justice sector and improving public financial management. We appreciate the efforts of the United Kingdom in organizing the Conference. We agree with you, Sir, that Somalia should not be allowed to backslide under any circumstances.

Rebuilding Somalia is closely linked to security. The African Union Mission in Somalia (AMISOM) has brought vast areas of the country under the Government's control. We commend the AMISOM troop-contributing countries for their resilience in fighting asymmetric threats posed by terrorists and extremists.

It is gratifying to note that AMISOM has made crucial gains in all sectors of its operations. To maintain its high level of success, AMISOM needs continued international assistance in the form of predictable logistical support, and enablers and force multipliers to undertake its operations.

We welcome the establishment of the United Nations Assistance Mission in Somalia (UNSOM). It is important that UNSOM establish a significant presence in the country and undertake its mandate-related tasks with the full ownership of the Somali Government. We congratulate Special Representative of the Secretary-General Nicholas Kay on his appointment.

UNSOM should also assist Somalia and the international community in eradicating the menace of maritime piracy. We appreciate the proposal made by the Secretariat to include a multidisciplinary task force on maritime issues in UNSOM. The recent reduction in piracy-related incidents off the Somali coast is encouraging. However, we should not lower our guard.

Pakistan will continue to support Somalia bilaterally and as a member of the Security Council, the Organzation of Islamic Cooperation Contact Group on Somalia and the United Nations Contact Group on Piracy off the Coast of Somalia. As always, our Somali brothers and sisters will find Pakistan a steadfast partner.

The President: I now give the floor to Her Excellency Ms. Fowsiyo Yusuf Haji Adan, Deputy Prime Minister and Minister for Foreign Affairs of the Federal Republic of Somalia.

Ms. Adan (Somalia): I am honoured to be here today, and I thank the Council for this opportunity to inform the Security Council of the progress and recent developments in the Federal Republic of Somalia.

First and foremost, I would like to thank the Deputy Secretary-General for his comprehensive briefing on Somalia, and I thank you, Mr. President, and the members of the Council for your personal engagement and support for Somalia. I have no doubt that our collective desire to achieve the common goal of a peaceful and thriving Somali nation will prevail.

The Council's commitment and sustained effort in support of our Government's policies and priorities is critical as we work together to bring about an economically, politically and socially stable Somalia. We are obliged to the Council and the United Nations for bringing international attention to the challenging circumstances facing the Somali nation.

Somalia welcomes United Nations Assistance Mission in Somalia (UNSOM) and Mr. Nicholas Kay, and congratulates him on assuming his duties in Somalia, on 3 June.

Since my last statement before the Council, on 14 February (see S/PV.6921), there have been significant and encouraging developments in my country. Somalia has finally rejoined the community of nations and is moving from emergency to recovery. The Government has adopted and is now implementing the six-pillar policy framework, a credible and relevant political platform based on the principles of the foundation of a new Somalia, with the objective of creating an achievable and applicable political platform.

Security is improving as Somali and African Union Mission in Somalia (AMISOM) forces and their Ethiopian allies recover towns and routes previously held by Al-Shabaab. The number of pirate attacks committed off the coast of Somalia has also drastically decreased.

Without the support of AMISOM and the troop-contributing countries, such as Uganda, Ethiopia, Kenya, Burundi, Djibouti, Sierra Leone and Nigeria, Somalia would not be where it is today. The ultimate sacrifice of those troops in the quest towards the noble goal of peace and security for Somalia will be indelibly recorded in the history of Somalia.

The Government is in control of more areas than at any other time in the past 20 years. Many areas have recovered from the enemy, Al-Qaida. Al-Shabaab has lost fighters, finances and territory, and their morale is low. Both young people and adults continue to defect from the misery that terrorism offers.

However, we should be under no illusion that the road is cleared of obstacles. Challenges still remain. Al-Qaida and Al-Shabaab are still a threat to peace and security. Millions still live in camps for internally displaced persons and refugees, and the country lacks developed Government structures, schools, hospitals, sanitation and other basic services. We have those problems and issues to overcome. Our most pressing concern is to bring to an end the constant threat and cycle of conflict that bubbles beneath the surface in so many of our communities.

The positive news, however, is that the famine has receded, the diaspora has begun to return, and the economy is starting to recover. Piracy off the coast of Somalia is down. There were only 36 confirmed pirate attacks in 2012, as compared to 176 in the previous year. Only five ships were captured, down from 25 in 2011. Overall, the number of ships seized has fallen by 80 per cent as compared to the previous year, and that is matched by the falling cost to the global economy by some $580 million, or 12.5 per cent since 2011.

After more than 20 years of war and anarchy, Mogadishu, the capital, is finally enjoying relative calm. But we remain vigilant, and the President is deeply engaged in alleviating the problem, not only through security measures, but also by creating initiatives promoting development and employment for all, including potential pirates and former militia groups. We are reforming our justice sector, rebuilding our armed forces, developing our police forces and revolutionizing our public finance management. However, we lack developed Government institutions and are reviewing our Constitution, which is only partially complete.

On the foreign affairs front, the Government achieved several foreign policy goals it had planned to achieve in the first six months. Those include the formal recognition of the United States Government, which has already led to many more doors opening up. That includes the reinstatement of Somalia's membership in the World Bank and International Monetary Fund and a partial lifting of the arms embargo by the Council. More embassies have been opened in Mogadishu, with the United Kingdom being the most recent Government to open an embassy there, and ambassadors are queuing up to hand in their credentials. That also includes the most recent finalization of the Intergovernmental Authority on Development (IGAD) summit agreement. We have been engaging with and encouraging the

diaspora communities to come back and rebuild the country, signing joint communiqués with Ethiopia, Kenya and several other countries, and actively participating and co-hosting and organizing major international conferences.

Our collective vision is for a federal Somalia at peace with itself and its neighbours that poses no threat to the world and actively contributes to regional and international issues. Somalia is moving forward, finally returning to take its place among the community of nations.

Also indicative of that progress was the recent holding of the London Conference on Somalia, co-hosted by Prime Minister David Cameron and President Hassan Sheikh Mohamud. The conference lifted Somalia further. The Somali people are grateful to the United Kingdom for that successful initiative. It was followed the next day by a private-sector investor conference, which was imbued with the knowledge that there was growing investor confidence, improvements in security and promising signs of opportunities for business throughout Somalia. Another positive event was the holding of the Nairobi conference organized by Somali diaspora groups on private-sector investment in Somalia, which was well attended. We also welcome the Brussels conference to be organized by the European Union in September.

Somalia is rich in natural resources and has a lot of potential. The key to unlocking all that potential is support, development investment and recognition. Somalia is blessed with the longest coast in Africa, the highest per capita availability of livestock, some of the richest marine resources in the region, more than 8 million hectares of agricultural land, rivers flowing into the sea, as well as minerals, gas, oil, uranium, coal, titanium, to mention but a few of the resources. The Government is fully aware that the long-term economic and social viability of the country will depend upon our ability to lay the policy foundations and establish the confidence-building measures that will allow the domestic private sector to flourish, and likewise attract foreign investment in the Somali economy.

Somalia is fully committed to the "New Deal" and compact initiatives. However, based on our Government's action plan, we must understand that the stabilization of Somalia is dependent upon on the robust development of the security sector. In particular, we need to establish the rule of law, develop an effective justice system and strengthen the capabilities of the national security forces. The military gains of the past year are at stake if the national security forces lack training and equipment.

Ultimately, however, we should rely on fair, just and effective governance as the most effective way to bring peace and security to our nation. We are painfully aware that our forces lack discipline and professionalism. The President has personally engaged in enhancing control and oversight over the armed forces. Rogue individuals acting with impunity cannot be tolerated, nor can violations of human rights. We all agree that strict monitoring and accountability must be put in place to ensure that our forces perform and operate in accordance with international convention on human rights.

The current Government will not tolerate any abuse or violation of human rights. We are particularly committed to abolishing the recruitment of child soldiers in armed conflict. Furthermore, we are committed to preventing sexual violence and to implementing the joint communiqué that my Government signed on the margins of the London Conference on Somalia held on 7 May.

The Federal Government of Somalia is committed to implementing gender-sensitive policies and programmes for women, so as to ensure that all women are legally protected against violence and exploitation. We seek further international support for that endeavour, and we want to assure the Council of our firm commitment.

On the Juba regions, the Federal Government of Somalia welcomed the recommendations of the IGAD mission that visited Mogadishu and Kismayo. We also welcomed the recent IGAD communiqué following the meeting held in Addis Abeba on 24 May, which recommended that the Federal Government of Somalia convene a reconciliation conference with the support of IGAD. The communiqué also recommended that the Government consult key stakeholders in the Juba regions of Somalia, with the goal of developing a road map that establishes an interim administration and permanent regional administrations in accordance with the provisional Constitution and with IGAD playing a supporting role.

My Government is therefore ready to lead reconciliation efforts in the Juba regions and to hold a genuine reconciliation conference with key stakeholders

in order to devise a programme and plans to establish an interim administration that can lead to the formation of federal unit states in accordance with the provisional Constitution. We therefore urge UNSOM, IGAD and other appropriate actors to support the process.

The Federal Government of Somalia is mandated to represent the interests of all Somali people, including those who are silent and powerless as they look for the Government to safeguard their constitutional rights. The culture that developed over the past two decades in Somalia due to the lack of a functioning State was one in which everyone and every group claimed the right to represent the Somali people. The Federal Government sent a committee to Kismayo to start a process of reconciliation based on a road map that outlines the way forward until federal units are established in the regions.

I would also like to report to the Council that, with the Cabinet Secretary for Foreign Affairs of Kenya — with whom I have spent more time working than any other Foreign Minister, which is a sign of the closeness between our two countries; not just in proximity in physical proximity but also in the depth and breadth of cooperation and interests that ties our two countries and the region at large — we have launched a joint cooperation commission that will be responsible for promoting and enhancing cooperation between our two countries. The commission will also coordinate the implementation of all bilateral agreements to be concluded between us. We also signed a similar agreement with Ethiopia a few months ago.

Before I conclude, I would like again to express our thanks and gratitude to the Security Council, the African Union, IGAD, the European Union and other members of the international community for their continued support to Somalia on peace enforcement and stabilization efforts. I also wish to thank all the Governments who made pledges during the London Conference totaling more than $300 million. On behalf of my President and the people of Somalia, may I also pay the utmost tribute to Ambassador Susan Rice for her unrelenting efforts and support to my people and the people of Somalia, which will not be forgotten. I would also like to thank Ambassador Mahiga for his relentless and hard work during his tenure in Somalia.

In conclusion, allow me to leave members with the words of Hassan Sheikh Mohamud: "Winning the war in Somalia has proved that winning the peace will take patience and great skill. We are at a critical juncture, and the time is now."

The President: I now give the floor to the representative of Ethiopia.

Mr. Alemu (Ethiopia): I would like to thank you, Mr. President, for this opportunity to speak on behalf of the countries members of the Intergovernmental Authority on Development (IGAD), which held two extraordinary summit sessions on Somalia in the course of past month alone, specifically on 3 and 24 May. Before getting into the substance of what those two sessions dealt with, let me take this opportunity to thank you, Mr. President and dear Minister, for coming to New York to preside over this important meeting. We are very grateful to your country for having taken up the situation in Somalia very seriously — and with a lot of care, I might add. The latest meeting, of 7 May, that the United Kingdom co-hosted with Somalia at Lancaster House was a further affirmation of the readiness by the United Kingdom to make a significant difference in Somalia and in the broader IGAD region.

Let me also take this opportunity to welcome the Deputy Prime Minister and Minister for Foreign Affairs of Somalia, Her Excellency Ms. Fowsiyo Yusuf Haji Adan, who has been instrumental in the further consolidation of peace in Somalia and in strengthening and expanding the ties of friendship among IGAD member States. Her wisdom and pragmatic approach to difficult issues have been a source of strength for IGAD.

I also wish to thank the Deputy Secretary-General for being here and for his contribution in this domain and other areas, which he makes with very welcome passion. We are very grateful to him.

There is absolutely no doubt that Somalia is on a very encouraging and promising trajectory. In a number of ways, the issues that are of concern today in Somalia bear no resemblance to the challenges the country faced not long ago. Not that complacency is justified, for some of the security challenges still exist — Al-Shabaab has not been totally defeated — which is why IGAD countries continue to call for the situation in Kismayo not be allowed to distract attention from the urgent task of maintaining the momentum in the fight against that extremist group. That was underlined by IGAD Heads of State and Government at their meetings on 3 and 24 May.

Strategically speaking, Al-Shabaab is on the way out, not because it has lost the military wherewithal but because it has absolutely no popular support. The fact that the people of Somalia have decided to embrace their new Government is very obvious. That is where more work is needed on the part of both the Federal Government and the international community. That is also where the London Conference on Somalia of 7 May was extremely significant. The Lancaster House Conference has given further impetus to more coordinated international support to Somalia. The Conference also outlined the critical areas where further input is necessary to ensure that the momentum is maintained in Somalia.

We have always emphasized how critical it is for the Federal Government to continue to build its credibility, and therefore its legitimacy, among the people of Somalia. That is a major undertaking that can be fulfilled only when the Government is in a position to deliver services to the people. We believe that the call in the London Conference communiqué with respect to the development of a longer-term sustainable financing architecture for Somalia, including a World Bank multi-donor trust fund, is an initiative that should be pursued in earnest. As has been suggested, that could serve as a vehicle for the normalization of Somalia's financial relationship with the international financial institutions. In the meantime, it is IGAD's hope that partners will make serious effort to make use of the special financing facility and the rule-of-law fund as mechanisms to channel funding to enhance the Government's capacity to deliver basic services to the people in a variety of areas.

For IGAD countries, there are few priorities as critical and as vital as the security, stability and regeneration of Somalia. That explains why, in the course of May, as I mentioned a while ago, our leaders held two extraordinary sessions. They did so because of their conviction that there was a need for more speeded-up efforts at national reconciliation in Somalia. At their meeting on 3 May, they agreed to establish five principles, namely, the leadership of the Government in the process of reconciliation; respect for the provisional Constitution; an all-inclusive consultative process; a supporting role for IGAD based on the priorities of the Somali Government; and fighting Al-Shabaab as the primary focus of the Somali Federal Government, AMISOM and regional and international partners.

The logic behind the emphasis given to the fight against Al-Shabaab has to do with fact that a loss of momentum in that fight, let alone a reversal of the gains so far made, would easily herald an unravelling of the entire situation, which has been the source of so much hope and confidence. That is why IGAD Heads of State and Government have underlined the fight against Al-Shabaab as the primary focus of cooperation among the Somali Federal Government, AMISOM and regional and international partners.

At this point, let me express how pleased we are to welcome the new Special Representative of the Secretary-General, Mr. Nicholas Kay, in whom we have great confidence and with whom we look forward to working very closely, as in fact we did with Ambassador Mahiga, to whom we remain indebted. It was during Ambassador Mahiga's tenure that we came up with a very innovative mechanism of tripartite consultation among the United Nations Political Office for Somalia, AMISOM and IGAD. It was quite an achievement. We are hopeful that Mr. Kay might wish to look at that experience closely, because it might be useful. All the same, IGAD countries look forward to working with him closely, and we are pleased that the United Nations Assistance to Mission to Somalia (UNSOM) was launched a few days ago.

Let me conclude by reiterating the commitment of IGAD countries to working closely with UNSOM. We remain hopeful that the international community will help to ensure that the planned conference on the repatriation of Somali refugees will be a success. Of course, we are very grateful to all those who called for this meeting for enhanced support to AMISOM, which is long overdue. I also wish to acknowledge the sacrifices made by AMISOM and Ethiopian troops.

The President: The Council has before it the text of a draft presidential statement on the subject of today's meeting. I would like to take this opportunity to thank Council members for their valuable contributions to it.

In accordance with the understanding reaching among members of the Council, I shall take it that the members of the Council agree to the statement, which will be issued as a document of the Security Council under the symbol S/PRST/2013/7.

It is so decided.

There are no more names inscribed on the list of speakers. The Security Council has thus concluded

the present stage of its consideration of the item on its agenda.

Could I personally add my thanks to all participants for their significant contributions today. Finally, let me emphasize the importance of maintaining the momentum and high energy levels.

The meeting rose at 12.15 p.m.

United Nations S/PV.6976

Security Council

Sixty-eighth year

Provisional

6976th meeting
Tuesday, 11 June 2013, 10 a.m.
New York

President:	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
Members:	Argentina	Mr. Oyarzábal
	Australia	Mr. Quinlan
	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	France	Mr. Briens
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Loulichki
	Pakistan	Mr. Masood Khan
	Republic of Korea	Mr. Kim Sook
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Nduhungirehe
	Togo	Mr. M'Beou
	United States of America	Mrs. DiCarlo

Agenda

The situation in the Middle East

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13-35940 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Yemen to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Jamal Benomar, Special Adviser to the Secretary-General on Yemen, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Jamal Benomar.

Mr. Benomar (*spoke in Arabic*): Yemen is in the throes of its transition. A few days ago, I sat beside President Abdrabuh Mansour Hadi Mansour and the Secretary-General of the Gulf Cooperation Council (GCC), Mr. Abdullatif bin Rashid Al-Zayani, to witness the 565 representatives to the National Dialogue Conference (NDC) celebrate the halfway mark of their deliberations with the launch of their second plenary session. The representatives came from all the country's major political groups, including women and young people, and together they are shaping the future of their country. In a country awash with arms and a history of conflict, such an inclusive dialogue is a great achievement. It demonstrates the Yemeni people's commitment to choosing dialogue over violence and consensus over division.

But Sunday's sad incident shows that the transition is delicate. I regret to inform the Council that a clash erupted between security forces and Ansar Allah demonstrators outside the National Security Bureau in Sana'a, resulting in several deaths and dozens of injuries. Yemen is nonetheless the only country in the region to emerge from the cycle of violence with a negotiated peace agreement that includes a clear road map and timeline for a broad-based democratic transition. The Government and people of Yemen are to be congratulated for standing by their words despite the challenges, and we urge them to stay the course.

Over the past few weeks, the representatives have split up into nine working groups to discuss the major issues facing the country, including the long-standing conflicts between North and South. As may be expected with such diverse and varied groups, which include political opponents and even enemies, it has been difficult to surmount injuries and grievances, and good will has been tested. There are still deep divisions in the working groups, such as those on Sa'ada and the South. They require careful facilitation and a demonstration of the greatest possible good will on all sides.

I am pleased to report, however, that progress has been made overall. The majority of the working groups have submitted their reports to the second plenary session. More than 100 recommendations, many involving constitutional human rights guarantees, have been submitted for adoption. Despite the deep divisions in the Sa'ada group, it has succeeded in arriving at a consensus on the roots of the conflict. Going forward, the representatives will still have to reach a consensus on some major issues, including the structure of the State, the system of Government and the issues regarding the South and Sa'ada. That work will be substantially assisted by the recent establishment of the National Dialogue Consensus Committee, tasked with harmonizing and reconciling the various recommendations and assisting in the reaching of consensus.

My team and other contributors have been working closely with the Conference bodies to share the full range of international experience, expertise and facilitation. While we have no recipe for resolving Yemen's many challenges, sharing comparative experiences from other country situations has enabled the representatives to make more informed decisions as they explore different options. The next and final session of the plenary and working groups will be critical to reaching agreement on the principles and main contours of a future Constitution.

I am pleased to note that the Dialogue is extending well beyond the Conference. Men and women in Yemen are engaged in discussions and debates about the problems of their country and its possible future. People are participating in seminars, round tables and open tents put up in town squares. Developments within the National Dialogue Conference working groups are discussed daily in television and radio programmes, newspapers and new media. In the past few weeks, the working groups have begun their outreach to citizens across various parts of the country. Collectively, they have visited 18 governorates and spoken to over 12,500

people of all ages and backgrounds, including members of local authorities, non-governmental organizations, labour unions, and women's and youth groups.

On one of my visits, a woman told me that my presence had broken the wall of fear. In 2011, it would have been unthinkable for a delegation comprised of women and young people to be welcomed at the headquarters of an intelligence agency. As President Mansour has remarked, we are engaged in more than a political transition; we are witnessing a transformation of the political culture.

The National Dialogue that is now under way will be followed by a constitution-drafting process. The Government of Yemen is committed to making the process fully transparent and inclusive. The new Constitution will be confirmed by a referendum, followed by general elections for a new Government that will enjoy full popular legitimacy. We understand that there are no guarantees for what lies ahead. It is an undertaking of great hope in a fragile environment, where a range of perspectives and diverse interests are seeking to realize a new and better order.

National Dialogue will need to find a consensual settlement to the question of the South in order to develop the foundations of a new Constitution. That is being addressed by a dedicated working group with a specific composition weighted in favour of the southern movement, Hiraak. They will soon begin to debate proposals on the status of the South and a new State structure for Yemen. Yet some Hiraak remain outside the process. In its first plenary, the NDC called for a committee to be set up to reach out to southern leaders. It is important for that to occur.

In the South, the streets are heating up. The resentment pent up during more than two decades of unaddressed grievances and systematic marginalization is reaching a tipping point. Southerners have grown wary of promises unmet. Since February, there has been a significant increase in the frequency and number of demonstrators pouring into the streets. Organized acts of civil disobedience have been observed weekly, sometimes resulting in injuries and deaths. The establishment of two commissions to address the unlawful or illegitimate seizure of property and unjust dismissals from the military and civil services was an important first step in addressing main grievances. The two commissions are collecting complaints and related submissions, but they need far greater resources to accomplish their tasks and deliver effective remedies. Moreover, without further confidence-building measures by the Government or tangible improvement in people's daily lives, the voices of discontent will grow louder, narrowing the space for dialogue.

It goes without saying that the only peaceful route to progress of any kind is through open dialogue and, most importantly, by addressing the legacy of the past. The Government has yet to meet its obligation to establish a commission of inquiry into the events of 2011 or adopt a law on transitional justice. Only with critical steps like those can Yemenis ensure a path to national reconciliation and embrace a new Yemen. Unfortunately, the partisan war continues to play out in the media. Misinformation, fabrication and incitement to violence are rife. It is time for politicians to stop instrumentalizing the media. A media truce is badly needed.

Other serious challenges weigh heavily on the transition. The security situation remains fragile in many parts of the country. Despite all efforts to counter Al-Qaida in the Arabian Peninsula, it remains a lethal threat. Most recently, Al-Qaida has been trying to establish a foothold in Hadramawt, with a view to retaking control of that region. Despite the progress made in the political process, there is ongoing instability. Arms continue to be smuggled into Yemen, although several shipments were recently intercepted. Key political factions remained armed and appear to be massing more weapons.

The humanitarian crisis in Yemen continues unabated, with more than half of Yemen's population in need of humanitarian assistance in terms of food, health care, safe water and sanitation, and more than 1 million children suffer from acute malnutrition. Meanwhile, as stability has improved, 90 per cent of those displaced by fighting in southern Yemen have returned to their homes. In northern Yemen, however, prospects for the return of 300,000 internally displaced persons remain poor, and their basic needs are acute. Despite the gravity of the situation, the humanitarian response plan is only 30 per cent funded to date.

Despite the aforementioned challenges, the political transition in Yemen continues largely on course. The electoral commission has already begun preparations for the electoral process, including steps to create a new biometric voter registry. Registration is scheduled to begin in September. The timeline leaves

no room for any delays. In order to ensure the success of the electoral and voter registration process, close cooperation and coordination will be critical among the political parties, the donor community and the Government. Political parties of the former opposition have expressed concern that local authorities, most governors, security chiefs and electoral staff were all appointed under the former regime and are linked to the former ruling party. Members of the former opposition are demanding that action be taken to build confidence in the electoral process. On the other hand, General People's Congress leaders are opposed to any change in appointments, which they view as contrary to the GCC initiative.

Critical steps have been taken to restructure the armed forces. Many of the military commanders who played major roles in the violent clashes of 2011 have been removed from their posts or reassigned outside of the military. A new structure for the military is being implemented, including the establishment of seven military regions. Both the Republican Guard and the First Armoured Division have been dissolved and their units integrated into the new regional structure. Despite these substantial moves, much remains to be done to ensure the professionalization of the armed forces.

Let us make no mistake — there are those who wish to undermine the transition. Sabotage attacks on electricity lines have increased, causing misery and anger throughout the country. Families are being plunged into darkness and unbearable heat. I have witnessed people's resulting frustration, exhaustion and increasing anger. Last week, I spoke to many people in the city of Hudaydah, which has seen frequent protests in recent months. There and in many parts around the country, patience is wearing thin. Attacks on oil and gas pipelines also continue. The interruption of Yemen's energy exports and constant repairs of its electricity lines are costing Yemen hundreds of millions of dollars. While the perpetrators of the sabotage are said to be known, impunity prevails. The people of Yemen are demanding justice. Those responsible for these crimes must be brought to account.

In all my consultations with political leaders, I have reiterated that the only way to a peaceful, stable and prosperous Yemen is through the National Dialogue and the transition process. All Yemenis have a solemn responsibility to advance their legitimate interests and aspirations through the process, in line with relevant Security Council resolutions and the Transition Agreement.

Yemenis have embarked on an extraordinary course based on an agreed road map. They deserve to be supported and are counting on the international community, especially the Council, to fully understand the importance of continuing to accompany them through the entire transition process, to meet the challenges and to deliver all available political and financial support. Perhaps the most important ingredient for a successful transition is the persistence of all those involved. Experience shows that there is no off-the-shelf recipe, perfect formula or predestined outcome. Yemen is its own unique country and its people have their own rich history and complex dimensions.

A new dynamic is emerging in Yemen with the new inclusive politics. The cooperation of all Yemeni factions is critical, and this cooperation is not always forthcoming. In tackling its own difficult political situation, Yemen needs all the support of its friends. Unfortunately, despite substantial pledges of financial contributions through the Friends of Yemen process, so far very little of that has materialized in actual transfers, outside of the significant Saudi contribution. In that regard, I would like to pay tribute to the Kingdom of Saudi Arabia. It has been the largest contributor and the first to deliver. I hope others will follow suit. This is the time to help Yemen by delivering on pledges and supporting the transition in every way. On the Government side, key reforms need to be completed as envisaged in the Mutual Accountability Framework.

Yemen remains a priority for the Secretary-General, and I will remain fully engaged with all sides to assist them along the way. I commend President Mansour for his leadership and the efforts of the Government of National Reconciliation led by Prime Minister Basendwah. The Yemeni people are counting on the Security Council to continue speaking in one voice in support of the transition.

I commend the contributions and support of the Gulf Cooperation Council. In addition, I want to thank the European Union, the Friends of Yemen and the active diplomatic community in Sana'a. Together, we must do everything possible to ensure that the progress we have seen in the National Dialogue and other areas will lead to meaningful changes in security, governance and development, and to concrete improvements in the lives of all Yemenis towards a more peaceful, stable,

democratic and prosperous future in which human rights are protected by the rule of law. The Yemeni people are demonstrating that they deserve no less.

The President: I thank Mr. Benomar for his important and comprehensive briefing this morning.

I now give the floor to the representative of Yemen.

Mr. Al-Sallal (Yemen) (*spoke in Arabic*): Mr. President, it gives me pleasure to congratulate your friendly country, the United Kingdom, on its assumption of the presidency of the Council this month. We are confident that you will conduct the work of the Council with skill and wisdom. We would also like to thank Ambassador Kodjo Menan, Permanent Representative of the Republic of Togo to the United Nations, for his able conduct of the work of the Council last month.

Yemen has come a long way on the path to a political settlement, based on the Gulf Cooperation Council initiative and its implementation mechanism, as well as resolutions 2014 (2011) and 2051 (2012). The National Dialogue Conference, launched on 18 March, represents the cornerstone of the settlement and the only way to addresses all the different and important issues and to form the new Yemen. The Conference has achieved great progress over the past few months, in spite of the difficulties it has faced, thanks to the wise leadership of His Excellency President Abdrabuh Mansour Hadi Mansour and his active follow-up to the work of the Conference. The achievements to date are a source of optimism and augur well for the future. Transparency, frankness and understanding prevailed among all the different parties that met at the same table for the first time, putting the interests of the country before all else.

The first plenary of the Conference was successfully held from 18 March to 3 April. The most important accomplishments were the establishment of the nine main working groups to address the different issues at hand, which have prepared work plans and conducted field visits to meet with various entities and citizens to learn of their concerns with a view to promoting the widest possible social participation.

The second plenary began on Saturday, 8 June, under the presidency of President Mansour, 80 days after the launch of the Conference in March. This session will continue for a month and will be devoted to discussing the preliminary reports prepared by the nine working groups established by the National Dialogue Conference in April to address the nine main national issues: the issue of the South, the Sa'ada issue, transitional justice, State-building, good governance, the restructuring of the army and security, the independence of the various institutions, rights and freedoms, and comprehensive development.

The results achieved by the nine working groups and the decisions and the recommendations emanating from their deliberations will be discussed in the Conference over a period of two and a half months. Moreover, field visits are planned to the capital and 17 governorates all over the country, as are meetings with more than 11,000 personalities representing the different strata of society and its components, including private and public institutions and civil society organizations, with a view to conducting a vote to adopt all the decisions and recommendations.

President Mansour has taken a series of measures to establish trust and create an environment conducive to the success of the Dialogue and to achieving the desired results. Those steps have been met with popular and international satisfaction. On 10 April, President Mansour also took several decisions to reorganize the military situation in the country, to restructure and re-establish military zones, to appoint military commanders and to continue restructuring and reunifying the army on a genuinely modern and scientific basis, with a view to protecting constitutional legitimacy and to preserving the sovereignty of the State.

President Mansour has also issued presidential directives to provide all possible support to the two main committees considering various issues, including those related to land and idled public servants in the civil, security and military fields in the southern governorates, with a view to restoring rights and rectifying injustices a. quickly as possible. In addition, he has also issued directives to release a certain number of prisoners accused in a variety of cases with regard to the southern movement Hiraak.

In spite of all those accomplishments, Yemen is still facing great difficulties in various fields, the foremost of which are security imbalances and combating terrorism and subversive acts, such as the destruction of electrical lines and oil and gas pipes, that entail heavy losses for the national economy, which is already burdened, and have a negative impact on the lives of citizens. At the same time, the Government is doing its utmost to change the situation.

President Mansour has taken many bold and wise decisions with a view to implementing the Gulf Cooperation Council initiative, its implementation mechanism and relevant Security Council resolutions. The political settlement in Yemen has entered an extremely delicate and pivotal phase, which requires the international community's continued support for the efforts of President Mansour and the Government of National Reconciliation, and its assistance to all the parties in leading the transitional stage to success and in preventing any party from obstructing the implementation of the Gulf initiative.

Political support is essential for Yemen, but it must also be accompanied by international development support with a view to implementing the stability and development transition plan for 2012-2014, thereby improving the living conditions of citizens. In that regard, we look forward to the realization of the pledges made at the donors conference held in Riyadh, and the meetings of the Group of Friends of Yemen, held in New York and London, with a view to supporting the efforts and programmes of the Government, which represent an extremely important element of stability in Yemen.

We also appeal to the international community to seriously support the 2013 Yemen Humanitarian Response Plan, since the humanitarian situation in Yemen represents a serious challenge to the Yemeni Government and in view of the fact that reports of the United Nations and other international and regional organizations active in the humanitarian field all indicate a grave humanitarian crisis in Yemen, particularly among the displaced persons.

In conclusion, we reiterate our commitment to the Gulf initiative and its implementation mechanism, particularly the requirements of the second phase of the transitional process, the foremost of which are the comprehensive national dialogue, the drafting of the constitution and submitting it to a referendum, and the parliamentary and presidential elections, to be held in February 2014, with a view to realizing the aspirations of the Yemeni people to change, stability, security and prosperity.

We would like to thank Secretary-General Ban Ki-Moon and his Special Adviser on Yemen, Mr. Jamal Benomar, for their efforts in support of the transitional process. We would also like to th ..nk the sponsors of the Gulf initiative and its implementation mechanism, including the five permanent members of the Security Council and the members of the Gulf Cooperation Council, foremost among which is brotherly Saudi Arabia, as well as the countries of the European Union and other brotherly and friendly countries that have stood by Yemen in these difficult times.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.

United Nations S/PV.6977

Security Council

Sixty-eighth year

Provisional

6977th meeting
Wednesday, 12 June 2013, 10 a.m.
New York

President:	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
Members:	Argentina	Ms. Millicay
	Australia	Mr. Quinlan
	Azerbaijan	Mr. Mehdiyev
	China	Mr. Li Zhenhua
	France	Mr. Briens
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Masood Khan
	Republic of Korea	Mr. Kim Sook
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Nduhungirehe
	Togo	Mr. Menan
	United States of America	Mr. DeLaurentis

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 23 May 2013 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2013/308)

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Letter dated 23 May 2013 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2013/309)

Letter dated 23 May 2013 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2013/310)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

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Letter dated 23 May 2013 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2013/310)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia, Liechtenstein, the Netherlands and Serbia to participate in this meeting.

On behalf of the Council, I welcome the presence in the Security Council today of Mr. Nikola Selaković, Minister of Justice and Public Administration of the Republic of Serbia.

Under rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia and President of the International Residual Mechanism for Criminal Tribunals; Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda; Mr. Serge Brammertz, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda and Prosecutor of the International Residual Mechanism for Criminal Tribunals.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to documents S/2013/308, S/2013/309 and S/2013/310, which contain letters dated 23 May 2013 addressed to the President of the Security Council from, respectively, the President of the International Criminal Tribunal for the Former Yugoslavia, the President of the International Residual Mechanism for Criminal Tribunals and the President of the International Criminal Tribunal for Rwanda.

I now give the floor to Judge Meron.

Judge Meron: It is an honour for me to appear before the Security Council again as the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and as the President of the International Residual Mechanism for Criminal Tribunals. I congratulate His Excellency Sir Mark Lyall Grant, Permanent Representative of the United Kingdom, upon his country's assumption of the presidency of the Security Council. The United Kingdom has long been a strong advocate of international justice, and I wish it every success in its presidency.

As was the case last December (see S/PV.6880), I am appearing before the Council today in two capacities and will accordingly deliver two reports: one on the ICTY's progress in relation to its completion strategy and another on the ongoing work of the Mechanism in preparation for the launch of The Hague branch of the Mechanism in a few short weeks.

Written reports concerning both institutions were presented to the Council last month. In addition, the Council will recall that a confidential report in relation to the ICTY was submitted in April, in accordance with resolution 2081 (2012). In my remarks today, I wish to

provide an overview of a few key issues contained in those written reports, and I will not repeat the contents of the reports in detail.

Before doing so, however, I would like to take this opportunity to express my gratitude to the Security Council's Informal Working Group on International Tribunals, operating under the excellent leadership of Guatemala, for the Working Group's sustained support for the work of the Tribunal. I would also like to recognize the invaluable assistance provided to the ICTY and the Mechanism by the Office of the Legal Counsel.

Allow me first to update the Council on the progress being made by the ICTY towards the completion of its mandate and its closure.

The Tribunal has achieved much since I submitted a written report to the Council last fall. The Tribunal has completed the trials in three cases: those of Haradinaj et al., Tolimir, and Stanišić and Župljanin. Since my written report was submitted in May, two more trials have been completed, with the issuance of trial judgements in the cases of Prlić et al., and Stanišić and Simatović at the end of May.

As detailed in my May report to the Council, the Tribunal has also completed the appeal proceedings in two cases: Lukić and Lukić, and Perišić. Other cases on appeal are moving ahead, with appeal hearings held in the complex, multi-appellant case of Šainović et al., as well as in the *Đorđević* case and in the rule 98 bis appeal in the *Karadžić* case.

Only four trials concerning the core statutory crimes now remain to be completed. Three of those trials involve the late-arrested accused, Karadžić, Hadžić and Mladić. The *Hadžić* case remains on track and is expected to be completed by the end of 2015. The Mladić trial is likewise proceeding apace and is expected to conclude by mid-2016, as previously forecast.

The *Karadžić* case, originally anticipated to be completed by the end of December 2014, is now anticipated to be completed by July 2015. As detailed in my written report submitted in May, there are numerous factors leading to that recalculation.

The only other remaining case at trial is the *Šešelj* case. The Trial Chamber has now scheduled delivery of the judgement in this case for 30 October 2013, three months later than forecast in my written report last November. The reasons for this delay include the departure of senior staff members as well as the simultaneous involvement of all Judges on the bench in other, ongoing cases.

Turning to the Tribunal's appellate cases, I wish to first pause and express my gratitude to Security Council members for their recognition of the need to restore the ICTY to the full complement of permanent Judges and the work that they have done in relation to this matter.

A judgement in the rule 98 bis appeal in the *Karadžić* case is anticipated by July 2013. It is also expected that the multi-appellant case of Šainović et al. will be completed by December 2013, as previously projected. The appeal judgement in the *Đorđević* case is now expected by December 2013, two months later than the previous forecast. That postponement is attributable to the need to replace a Judge on the bench due to her resignation from the Tribunal, the heavy workload of the other Judges on the bench, and other factors, as set forth in my May report.

There has also been a small delay in the projected completion of the appeal judgement in the multi-appellant case of Popović et al., which is now anticipated to be completed in October 2014. As explained more fully in my written report submitted in May, that change was occasioned by complexities in the case which have required additional preparations in advance of the appeal hearing.

For those cases that have experienced changes in projected end dates, a number of different measures have been adopted to minimize delays, including the reassignment of additional legal staff members to assist in judgement drafting.

As previously reported to the Council, it is currently anticipated that appeals in three cases are expected to go beyond 31 December 2014. In two of those cases, Tolimir and Stanišić and Župljanin, the forecasted completion dates for the appeals are just a few months past the target date. We continue to look for ways to bring the projected completion dates for these cases, and, indeed, all of our cases, forward. However, any appeals in the third case, that of Prlić et al., are only expected to be completed in mid-2017.

With respect to the *Prlić et al.* case, I note that there is still a possibility that any appeals filed in that case may go to the Mechanism, rather than the Tribunal. We

will have to see what happens. Similarly, it is not yet clear whether any appeals in the *Stanišić and Simatović* case will go to the Mechanism or to the ICTY.

In sum, while the Tribunal has made tremendous progress in many respects, there have been some delays in certain proceedings, as fully explained in my report to the Council. I deeply regret those delays. But I hasten to remind the Council that many of the factors leading to the delays are not uncommon to judicial and criminal proceedings the world over.

More importantly, while unexpected developments may give rise to delays in any criminal case, the impact of such developments on the efficient completion of proceedings is magnified by the unique situation and mandate of the Tribunal. Thus, for example, the typical difficulties and unpredictability involved in identifying, preparing and presenting evidence are multiplied many times over in a Tribunal situated far from the site of the alleged crimes, when most witnesses must be brought from thousands of kilometres away to appear in court, and when the official languages of the Tribunal differ from those of the accused and most witnesses, necessitating constant translations of witness testimony and extraordinary amounts of documentary evidence.

The breadth and complexity of the crimes and modes of individual criminal responsibility alleged in the Tribunal's cases only compound those challenges further. As I have previously explained to the Council, the pending closure of the Tribunal also produces its own challenges, primarily that of retaining the highly qualified and experienced staff members so necessary for the Tribunal's expeditious and orderly closure.

I wish to underscore that all efforts are being made on the part of the Tribunal to complete its pending judicial work as quickly as possible while fully respecting the fundamental rights of the accused and the appellants to due process in accordance with international standards. As set forth in the 15 April written report to the Council, the Tribunal has also developed a consolidated, comprehensive plan that sets forth the processes and procedures for the Tribunal's eventual closure. In the meantime, my colleagues and I at the Tribunal remain grateful to the Council for its continued support, just as I remain grateful to the Judges and all of the staff of the Tribunal for their deep commitment to our work.

I would now like to turn to the work of the International Residual Mechanism for Criminal Tribunals.

At the outset, I am very pleased to advise that all arrangements are in place to ensure a seamless transfer of functions from the ICTY to The Hague branch of the Mechanism on 1 July 2013, in full compliance with the requirements of resolution 1966 (2010). I have every expectation that, as the Mechanism officially becomes a transcontinental institution, it will continue to operate as smoothly as it has done since the opening of the Arusha branch last July. In that respect, I wish to express my gratitude to the Mechanism's Registrar and Prosecutor for helping to make that possible.

Upon the opening of The Hague branch in July and in accordance with its mandate, the Mechanism will assume responsibility for a variety of functions inherited from the ICTY, including the enforcement of sentences, the provision of assistance to national jurisdictions and the protection of victims and witnesses in completed trials of the ICTY. The Mechanism will also assume the authority to hear appeals against judgements or sentences handed down by the ICTY where the notice of appeal is filed after 1 July 2013, as already mentioned; the authority to conduct reviews of judgements handed down by the ICTY and to try contempt cases; and the authority to decide on requests for pardon or commutation of sentences. The Mechanism has already taken on responsibility for managing the archives of both the ICTY and the ICTR, although the latter retains responsibility for the preparation of its records for transfer to the Mechanism.

From an administrative standpoint, all is going well. The Mechanism has issued a number of practice directions and promulgated other policies, thereby developing further its legal and regulatory framework. Work on the Mechanism's permanent premises in Arusha is on track and funding is in place. The Mechanism is grateful for the support and cooperation of the Government of the United Republic of Tanzania in relation to that project.

Turning to the Mechanism's judicial work, I note that there have been a number of rulings, as set forth in more detail in my written report (S/2013/309, annex I). Since my previous report to the Council, the Mechanism has received its first appeal from judgement, in the *Ngirabatware* case. As I mentioned earlier, additional appeals from ICTY trial judgements are expected in the

future, including potential appeals in the cases of *Šešelj*, *Karadžić*, *Hadžić* and *Mladić*. The Mechanism has also been seized of a number of motions and requests in relation to certain contempt allegations. That litigation is an example of the sort of unanticipated ad hoc judicial activity that may arise before the Mechanism.

Finally, in my role as President, I have issued decisions in relation to the enforcement of sentences and on a request for review of an administrative decision. Meanwhile, ICTR President Vagn Joensen, who has been serving as the Mechanism's Duty Judge in Arusha, has likewise ruled on a variety of matters. I am very grateful to President Joensen for his work on behalf of the Mechanism, and for being such a collegial and effective partner of the Mechanism in his capacity as President of the ICTR.

In addition to its responsibility for its own cases, the Mechanism is also responsible, with the assistance of international and regional organizations and bodies, for monitoring cases referred by the ICTR to national courts for trial. As explained in my written report, two cases were referred by the ICTR to France for trial there. Pending finalization of arrangements with an international organization to assist in the monitoring of the two cases, the Mechanism has made interim monitoring arrangements. I am most grateful to the French authorities for their cooperation in relation to the matter.

The ICTR has also referred a number of cases for trial in Rwanda. Although some of the cases involve individuals who are still fugitives, in the case of *Uwinkindi* a trial is expected to commence later this year. Pending the finalization of monitoring arrangements, the ICTR staff has been conducting interim monitoring of the ongoing pre-trial proceedings.

I wish to thank the Rwandan authorities for their cooperation in facilitating the monitoring, which is an important aspect of the Mechanism's mandate, and, more generally, for the warm welcome I received upon my first official visit to Kigali last December. I am most grateful for the open and frank discussions I had while there and for Rwanda's ongoing cooperation with the Mechanism. Following the opening of The Hague branch, I look forward to building on existing relations with States in the former Yugoslavia to develop similarly productive and cooperative relationships with those States.

Turning to the issue of the enforcement of sentences, I would like to express my concern regarding the situation in Mali, where 17 persons convicted by the ICTR are serving their sentences. Those 17 individuals are now the responsibility of the Mechanism, and the Mechanism's Registrar is monitoring the security situation closely. The Mechanism is also taking steps to implement recommendations made by an independent penitentiary expert whom the Registrar hired to review enforcement practices in the two countries currently enforcing ICTR sentences, namely, Mali and Benin. At the same time, the Mechanism is looking to increase its capacity to enforce sentences in Africa and is actively taking steps to enter into the enforcement of sentences agreements with new States. The cooperation and leadership of the Council and its members in that regard would be much appreciated.

Since the opening of its Arusha branch, the Mechanism has received and addressed a number of requests from national authorities for assistance in relation to national investigations, prosecutions and trials of individuals charged in relation to the genocide in Rwanda. On 1 July, the Mechanism will assume similar responsibilities in relation to requests related to events in the former Yugoslavia.

Finally, I would remind the Council that the Mechanism is responsible for the trial of three individuals who were indicted by the ICTR. The arrest and transfer of those three fugitives to the Mechanism's custody remains a top priority, and Prosecutor Jallow has primary responsibility in that regard. But as we have learned from experience at the ICTY, where the last two fugitives were finally arrested in 2011, thanks to the work of Serbian authorities and ICTY Prosecutor Serge Brammertz, Member States play an invaluable role in ensuring that fugitives are apprehended.

The United States recently reaffirmed its commitment to offer financial rewards to individuals who provide information leading to the arrest or transfer of certain fugitives, including all nine ICTR-indicted fugitives, through its War Crimes Rewards for Justice Program. We are very grateful to the United States for its initiative in that regard. I call upon other Member States to take steps to ensure that all of the remaining ICTR-indicted fugitives, whether they end up being tried by the Mechanism or by Rwanda, are arrested and brought to trial. Thanks to the dedication and cooperation of Member States, the ICTY has been

able to account for all 161 of the individuals whom it has indicted.

It is vital for the ICTR's legacy, and indeed for the cause of international justice, which we all hold so dear, that we ensure a similar result for those indicted by the ICTR.

Before closing, I must acknowledge an important milestone: 25 May 2013 marked 20 years since the Tribunal's establishment by the Council in resolution 827 (1993). The Tribunal's principals, Judges and staff, together with dignitaries representing a large number of Member States and a host of others, commemorated this occasion in the presence of His Majesty the King of the Netherlands and the United Nations Under-Secretary-General for Legal Affairs and Legal Counsel, Patricia O'Brien.

I am grateful to the Council for its statement recognizing this important milestone and the Tribunal's contributions over the past 20 years. I am equally grateful to it for recognizing that the Mechanism plays an essential role in ensuring that the impending closure of the ICTY and the ICTR will not leave the door open to impunity. As Under-Secretary-General O'Brien remarked on the occasion of the ICTY's twentieth anniversary, a new "age of accountability is becoming a reality". That is in good measure due to the work of the ICTY over the past two decades. With the sustained support of the international community and the Council in particular, the Mechanism will carry that strong legacy forward in the years ahead.

The President: I thank Judge Meron for his briefing, and I now give the floor to Judge Joensen.

Judge Joensen: I would like to begin by congratulating the delegation of the United Kingdom on its presidency of the Security Council for June. I wish you all the best for a successful tour of duty, Mr. President.

It is a great honour for me to address the members of the Security Council and present to them the current update on the completion strategy of the International Criminal Tribunal for Rwanda (ICTR). I wish to express the appreciation of the entire Tribunal to all of the Governments represented on the Council for their continuing support as we draw ever closer to the conclusion of our work.

The ICTR has now completed all trial work, has successfully met all timelines projected in December for appeals, and has finalized its decision to transfer the second case of an accused in custody to Rwanda. Five of the six remaining ICTR appeals cases remain on track for completion before the end of 2014, and the transfer to the Mechanism of judicial records not in active use is expected to be completed by the end of 2014. The Mechanism is now handling its first appeal from an ICTR trial judgement, and I have been actively involved in judicial matters handed over to the Mechanism in my role as Duty Judge of its Arusha branch. Relocating acquitted persons and those released after completing their sentences in Tanzania remains a pressing concern and will require the enhanced cooperation of Member States. Finally, owing to difficulties that I will explain shortly, the ICTR is now projecting completion of its final appeals judgement in the *Butare* case by July 2015.

I will begin by explaining the status of the trials and appeals. I am happy to report that all substantive trials have now been completed with the delivery of the trial judgement in the *Ngirabatware* case in December 2012. Thanks to the continued hard work and dedication of our staff, the ICTR successfully met its timelines for trials and appeals as projected when I last addressed the Council six months ago (see S/PV.6880). As expected, the notice of appeal in the *Ngirabatware* case has been filed with the Mechanism, marking the first time that it will handle an appeal from judgement in a case before the ICTR or the International Criminal Tribunal for the Former Yugoslavia. That is an important milestone in our transition. I would also like to call the Council's attention to the fact that the Appeals Chamber has met its accelerated projections to date, delivering one appeal judgement concerning two persons in the case of *Mugenzi and Mugiraneza* in February. It also rendered a final decision upholding the Trial Chamber's referral of the *Munyagishari* case to Rwanda on 3 May. Bernard Munyagishari is expected to be transferred to Rwanda imminently, and appeals projections in the remaining cases have stayed roughly the same, save for the *Butare* appeal slipping into 2015.

Five of the six remaining appeals cases concerning nine of the remaining 16 persons are still expected to be disposed of before the end of 2014, and the final multi-accused appeal judgement concerning six persons in the *Butare* case is now anticipated by July 2015. This slip in the final case's projected completion was caused by inability of our language services to meet the accelerated plans for translation of the *Butare* trial judgement and other documents pertaining to the

appellate proceedings, which the defence is legally entitled to receive in a language that the accused can understand before filing their appeal briefs. Although the Tribunal made every effort to meet the accelerated schedule by providing the translated *Butare* trial judgement by August 2012, with the remaining staffing levels in our language section, the final French version could be completed and delivered to the parties only in February. That meant that the briefing schedule for the appeal had to be pushed back as well. Additionally, after reviewing the written judgement in a language they could understand, several appellants requested leave to expand the scope of their appeals beyond that in their original Notices of Appeal, which the projected *Butare* completion date of December 2014 was based on. All those circumstances have led to the current projected completion date of July 2015. In all other cases, however, I am happy to report that the appeals work remains on schedule and all appeals except *Butare* are on track to be completed in 2014.

I would next like to take this opportunity to express my gratitude to the Council for its adoption of resolution 2080 (2012), which extended the terms of the ICTR Appeals Chamber Judges until the end of 2014 or until completion of the cases to which they are assigned, if sooner. The swift action taken on that request has helped ensure that the Tribunal will continue to meet its completion strategy targets. As projected in our last report, two of the three judges on the *Ngirabatware* case demitted office after completion of their final case, and the third, Judge William H. Sekule of Tanzania, was redeployed to the Appeals Chamber in March 2013, bringing the number of permanent judges sitting in the Appeals Chamber to 11 at that time. On 31 May, Judge Andrésia Vaz of Senegal resigned from her position as appeals judge, returning the total to 10 judges on the appeals bench. The preeminent knowledge and experience that Judge Vaz brought to the bench will be sorely missed. and reassigning the 10 cases she was working on has increased the strain on the other judges. In order to try to mitigate any detrimental effect on the completion of appeals work that would come with the loss of such an esteemed judge, I will be sending a letter to the Secretary-General requesting the swift appointment of a replacement for Judge Vaz, and expressing how important it is that the replacement judge have a deep knowledge and understanding of the Tribunal's jurisprudence and practice, so that no time will be lost in dealing with the heavy workload remaining for appeals.

I turn now to an important issue that the ICTR has been raising with the Council for several years. The enhanced cooperation of Member States to assist with our persistent and increasingly dire problem of relocating persons who have been acquitted or released after completion of sentence by the Tribunal is crucial to the completion of our mandate. I continue to see as a cornerstone of my presidency the deployment of all possible efforts in that regard; during the reporting period, I increasingly applied my energies to persuade Member States to assist with relocation.

There are now seven acquitted persons, one of whom was acquitted in 2004, and three persons released after the completion of their sentences who remain in safe houses in Arusha, under the Tribunal's protection. Those 10 individuals remain on Tanzanian territory without proper immigration status and are unable to move freely. The ICTR is deeply concerned about the consequences of failing to uphold the fundamental right of freedom to live one's life after being acquitted. The importance of finding host countries for those persons before the Tribunal closes cannot be stressed enough.

That is why I have worked closely with the Registrar to develop a strategic relocation plan which was recently submitted to the Informal Working Group on International Tribunals. We call upon all Member States, in particular those members of the Council in a position to do so, to assist with that persistent problem, and thank those that have already enhanced their cooperation with the Tribunal in that respect.

I next turn to downsizing and the transition to the Mechanism. The Tribunal continues to face staff recruitment and retention challenges arising from the downsizing process. Where recruitment is required, the ICTR continues to have difficulty attracting suitably qualified candidates given the limited contractual security that it can provide as a closing institution. The Tribunal also is still experiencing difficulties in retaining experienced staff due to the lack of financial incentives to stay and complete their work and the lack of possibilities for upward mobility.

I once again wish to express the gratitude of the Tribunal to the Department of Management, especially the Office of the Controller and Human Resources Management, which have steadily assisted the ICTR in meeting the challenges to preventing any further delay in the completion of its mandate. Their collaboration on implementing mitigating strategies in line with the

applicable staff rules and regulations has also afforded staff members much-needed support in transitioning from the ICTR to other careers.

Despite the persistent staffing challenges, the Tribunal has successfully met its projected deadlines and remains with only appellate work and the continuation of the transition to the Mechanism, going forward. The transition is well under way, as the handover of judicial functions to the Mechanism is now complete and, as the Prosecutor will describe in more detail, a smooth transfer of prosecutorial tasks remains on track.

In addition to the Ngirabatware appellate proceedings, the Mechanism's jurisdiction now encompasses requests for review of ICTR judgements, trials for contempt of court or false testimony from ICTR trials and trials of the remaining three top-priority ICTR fugitives, once arrested.

The monitoring of all referred cases also falls under the Mechanism's responsibility, although the ICTR Registrar and I will continue to help oversee the administration of the interim monitoring of the Uwinkindi trial and that of Bernard Munyagishari, once he is transferred to Rwanda by ICTR staff, until the Mechanism concludes a final agreement with an organization in each case.

I would like to take this opportunity to thank President Meron and Registrar Hocking for the excellent cooperation between the ICTR and the Mechanism throughout the transition, which I am confident will continue until the handover is complete.

With respect to the preparation of the ICTR's archives, much progress was made during the reporting period, as the Tribunal is now in a position to transfer 40 per cent of its hard-copy records to the custody of the Mechanism, including 60 per cent of the judicial records. The actual handover process for those records is scheduled to begin later this month, since renovations of the temporary record repositories — which will house the records until they are moved to the Mechanism's new building — are almost finalized.

The target date for the completion of the records handover process remains December 2014, and we anticipate that all closed judicial records will have been handed over by then. However, we must bear in mind that some records which are still in active use in support of the functions of the ICTR, including active files related to the *Butare* case, will remain our responsibility and can only be transferred once they are no longer in use. Those records are expected to be handed over as part of the liquidation process after the ICTR's formal closure.

I will conclude with some thoughts on our place in history. Since its inception, the ICTR has sought to contribute to the process of reconciliation in Rwanda by helping to restore a sense of justice and playing a role in the development of a lasting peace in the Great Lakes region. Rebuilding that sense of justice has paved the way for moving past the events of 1994. The Tribunal has helped to ensure that those events are never forgotten through its outreach and capacity-building initiatives, and we recognize the need to ensure that the Tribunal's records are readily accessible to the people of Rwanda in posterity.

The transition to the Mechanism, which is notably tasked with maintaining and furthering the Tribunal's legacy, marks the etching of a new chapter into the history of international law. The writing of that next chapter has already begun, with the work of the International Criminal Court and the Special Tribunal for Lebanon. With the impending closure of the ad hoc Tribunals, the Mechanism will ensure that their legacy is preserved and that the lessons learned are shared with their successors.

Before facing the renewed challenges that the next chapter will bring, we would, however, be remiss if we did not underline how far we have come with Member States' cooperation and the crucial role it has played, as well as the difficulties we will face without reinvigorated efforts in certain areas. The tremendous support of the international community for the ICTR has enabled it to not only prosecute those most responsible for the Rwandan genocide, but also, in turn, to assist national jurisdictions that are able to complement its work, thereby further strengthening accountability for the most serious crimes under international law.

Such empowerment of national institutions has substantiated the Tribunal's commitment to implementing the rule of law and may, ultimately, allow for impunity to be successfully challenged in a lasting way at all levels. However, we are in desperate need of increased cooperation with respect to relocation and trust that Member States will do what is necessary to help us accomplish that important task before closure.

It has been and continues to be an honour and a privilege to take part in this important task, and it has

been a great honour for me to address the members of the Council today.

The President: I thank Judge Joensen for his briefing.

I now give the floor to Mr. Brammertz.

Mr. Brammertz: Thank you, Mr. President, for this opportunity to address the Council on our progress towards the completion of our mandate. In the reporting period, as we marked 20 years since the creation of the International Tribunal for the Former Yugoslavia (ICTY), we witnessed significant critique of the Tribunal's work. Never before has so much been said and written about our cases, our legacy and our contribution to reconciliation in the region.

Certainly for the Office of the Prosecutor, it has been a difficult and challenging period. As a party to the proceedings, we must accept the judgements issued. However, we are using and will continue to use all remaining legal mechanisms to press for the outcomes that we think are just and which properly reflect the culpability of the accused persons brought before the Tribunal.

But, despite the rising crescendo of debate about the Tribunal, we will remain focused on successfully completing our last cases. The *Karadžić* trial is now well into the defence evidence presentation phase of the case. If the current swift pace continues, it will be completed before the end of this year. To promote efficiency, the *Karadžić* prosecution team has devised cross-examinations that minimize court time while ensuring that the evidence is properly tested.

In both the *Mladić* and *Hadžić* cases, the Prosecution is continuing with its presentation of evidence. In those cases too, efficiency techniques developed over previous years are minimizing the amount of court time used. At the same time, the Prosecution is constantly reassessing its strategy to further expedite the process. For example, in *Mladić*, the Prosecution has reduced the number of witnesses planned from 200 to 170, after verifying that it would not have a negative impact on the outcome of the case. If the current pace continues, the Prosecution will complete its cases in both *Mladić* and *Hadžić* well before the end of this year.

The Prosecution's work on the last trials and appeals has been helped by good cooperation from Croatia, Serbia and Bosnia and Herzegovina. Each of those countries has responded appropriately to our requests for assistance concerning documents and access to witnesses. We will continue to require their prompt and effective responses to our requests in the next reporting period.

In my recent reports and briefings to the Security Council, problems relating to national war crimes strategies in the former Yugoslavia — in particular, in Bosnia and Herzegovina — have become an increasingly disturbing refrain. Those problems remain, and urgent action is needed on many fronts if the situation is to be corrected. In that regard, I will travel to Sarajevo at the end of June for in-depth discussions on the status of the nine pending Category II cases transferred from my Office to Bosnia and Herzegovina some years ago. At the same time, we will hold a practical information session in Sarajevo for entity-level prosecutors about accessing materials from our databases. We want a greater commitment to using the resources available in our databases in The Hague.

We have a number of other ongoing initiatives to build capacity, including a detailed proposal for a coordinated and comprehensive training programme; the development of resources to transfer expertise from the ICTY for the purposes of sexual violence prosecutions, which still represents a very important challenge for our colleagues in the region; and the joint ICTY/European Union Liaison Prosecutor and Young Professionals Programme, which is now in its fourth year.

It is clear that the international community is playing a very important role in terms of capacity-building in Bosnia and Herzegovina. We are particularly grateful to partners such as the European Union, UN-Women, the Organization for Security and Cooperation in Europe and the United Nations Development Programme, which are working with us on many of the initiatives I have mentioned today. But it is also clear that our efforts will bear little fruit until political leaders on all sides genuinely commit to making national war crimes strategies successful, and more needs to be done.

In the reporting period, we saw signs of progress with the conclusion of two regional cooperation protocols for war-crimes prosecutions: one between Serbia and Bosnia and Herzegovina, and the other between Croatia and Bosnia and Herzegovina. That is a step in the right direction, but the States involved must now turn their words into concrete actions. More generally, we strongly encourage the responsible

authorities to make adequate resources available in order for them to successfully implement their national war crimes strategies. We also ask the States Members of the United Nations to remain committed to ensuring positive results.

I would like to highlight two other issues concerning regional commitment to the rule of law. The first is Serbia's work on fugitive networks. Serbia's efforts to establish accountability for those who have assisted ICTY fugitives to evade justice is a work in progress, and we ask that it be finalized promptly and effectively. The second issue is the lack of progress in locating missing persons, including through exhuming mass graves. During my recent visits, survivor communities expressed significant frustration in that regard, and authorities in the region must urgently refocus on locating missing persons, regardless of their ethnicity.

As we enter the ICTY's twenty-first year of operations, the thousands who survived crimes committed during the conflicts in the former Yugoslavia should be foremost in our minds. For them, the passage of 20 years has little meaning. The crimes that they lived through and the crimes that took away their loved ones are ever-present, and we must redouble our efforts to facilitate redress for them.

We are now just a few short weeks from the start date of The Hague branch of the Residual Mechanism. The parallel establishment of the Mechanism while the ICTY's work continues has resulted in a more complex operational framework. Nevertheless, our core concern is to ensure an effective transition and the best possible outcome in each one of our cases, regardless of whether it will be ultimately completed by the ICTY or the Mechanism.

Safeguarding the quality of our work also requires attention to the issue of staff retention, as was mentioned by the two Presidents. The loss of key staff members of the Tribunal at critical junctures in our work poses a significant challenge. In our Office, we are seeking creative ways of encouraging our staff members to stay at the ICTY. We want our personnel to see their work through. At the same time, we want to help them make a successful transition to the next step in their careers. Retention incentives are the key to meeting that objective. We also hope that the international community will see that ICTY staff members are a tremendous resource for future international justice initiatives and a highly transferable asset for the United Nations system more generally.

The President: I thank Mr. Brammertz for his statement.

I now give the floor to Mr. Jallow.

Mr. Jallow: Mr. President, I am greatly honoured to brief you once more on the progress of the completion strategy of the International Criminal Tribunal for Rwanda (ICTR) and to present to you the second report on the work of the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals (S/2013/309, annex II).

For the past six months, our focus at the ICTR has been on the prosecution and completion of appeals; the referral of cases to national jurisdictions; the preparation of Office of the Prosecutor records for archiving and handover to the International Residual Mechanism; the completion of legacy, residual and closure issues; and the provision of support to the Office of the Prosecutor of the Arusha branch of the Mechanism. That focus will, with the exception of referrals of cases to national jurisdictions, continue for the months ahead. The past six months have also seen the Offices of the Prosecutor of the ICTR and the International Tribunal for the Former Yugoslavia (ICTY) spending significant time attending to the arrangements for the commencement of The Hague branch of the Mechanism, which is due to be launched on 1 July 2013.

The appellate workload of the Office of the Prosecutor of the ICTR continues to be heavy, following the conclusion of the trial phase of ICTR cases in December 2012. Since the beginning of this year, the Office of the Prosecutor has argued and finalized the hearing of 10 prosecution and defence appeals in connection with the *Ndahimana* and *Ndindiliyimana et al.* cases, which were heard in the May 2013 session of the Appeals Chamber conducted in Arusha, Tanzania. Those cases are now pending final judgement by the Appeals Chamber.

Briefing and oral argument are ongoing in 13 other appeals in four remaining cases before the ICTR Appeals Chamber. With the exception of the *Butare* case, which comprises seven defence and prosecution appeals, judgements in all of those pending cases are scheduled to be delivered before the end of December 2014. Therefore, absent any changes in the judicial calendar, all but one of the ICTR's remaining appeals

will be completed within the time frame of the ICTR completion strategy as set out by the Council.

Last month, the Appeals Chamber also affirmed the referral of Bernard Munyagishari, a detainee, to Rwanda for trial. That decision in effect concludes the ICTR's work on the programme for the referral of cases to national jurisdictions. My Office has now secured the referral of a total of eight cases to Rwanda and two cases to France for trial. As a result of those referrals and the completion of all trials in the first instance, the Office of the Prosecutor of the ICTR has no further trial or fugitive-related workload. The tracking and arrest of the three top-level fugitives, namely, Kabuga, Mpiranya and Bizimana, and the monitoring of referred cases are now being managed by the Mechanism.

The preparation of the reports of Office of the Prosecutor for archiving by the Mechanism has progressed well during the past few months. The preservation of files, which involves the cleaning, rehousing in acid-free boxes and scanning of Office of the Prosecutor documents, has been completed in 56 cases, representing 414 linear metres of records. Similar work is in progress for 22 cases involving 250 linear metres of documents and is due to commence for the other Office of the Prosecutor documents. The entire Office of the Prosecutor audio collection of 2,681 cassettes has now been completely digitized, and the digitization of the Office of the Prosecutor videotapes is soon to commence. ICTR records that are ready for archiving continue to be prepared for a handover to the mechanism as its archives unit builds up its capacity to receive the records. The remaining records will be handed over to the Mechanism when they are no longer required as working records by the Office of the Prosecutor of the ICTR.

In addition to the archiving of records, work continues on a number of other important legacy projects on which the Office of the Prosecutor of the ICTR has been working and which we plan to conclude before the expiration of the Tribunal's mandate. We note that with the launch of the joint international ad hoc Prosecutors' "Compendium of Lessons Learned and Suggested Practices" on the investigations and prosecution of international crimes in November 2012 at the Annual Conference and General Meeting of the International Association of Prosecutors, there has been renewed interest in the legacy of the Tribunals by academics, human rights practitioners, lawyers and national prosecuting as well as judicial authorities. The Office of the Prosecutor has also concluded the preparation of a best practices manual on the tracking and arrest of fugitives. The document will be available to national and international Prosecutors in due course. Work on the best practices manual on the investigation and prosecution of sexual violence is scheduled for completion this year. Work also has been ongoing on other subjects, such as the documentation of the genocide on the basis of adjudicated facts and the lessons to be drawn from the referral of cases with particular regard for their relevance to the principle of complementarity in international criminal justice.

We expect, over the next year until the closure of the Tribunal, to be actively engaged in a number of those initiatives aimed at promoting best practices and lessons to be learned in the struggle against impunity, especially at the national level. Those legacy products are aimed at recording the challenges and responses to the investigation and prosecution of these difficult cases and in assisting national and international prosecuting authorities in managing the range of challenges that we may face, as they are the front line in ensuring accountability for international crimes.

I am pleased to note that the interest in the work of the ICTR and its potential impact at the national level is increasing. That is indeed a good sign for the legacy of international justice, and we hope that Member States will deepen the impact through national programmes and appropriate legislative measures.

Permit me now to turn to the operations of the Residual Mechanism. I am pleased to report that all the core staff as well as the ad hoc staff necessary to conduct one upcoming appeal are already in place at the ICTR branch of the Mechanism in Arusha. That branch is now fully operational. Recruitment of staff and other logistical and administrative arrangements are in progress for the establishment of The Hague branch of the Mechanism effective from the beginning of July. We therefore expect some of the core staff of the Office of the Prosecutor of The Hague branch to be in place in time for the commencement of the branch. The support and cooperation of the Registry and the Office of the Prosecutor of the ICTY has been helpful in that respect.

The Arusha branch of the Mechanism continues to track the three top fugitives, namely Kabuga, Mpiranya and Bizimana. In that regard, the Mechanism is in the process of launching a number of new initiatives

aimed at increasing public interest and participation in tracking to supplement the efforts of the Office of the Prosecutor and of the national and regional law-enforcement authorities. We shall continue our contacts with Kenya, Zimbabwe and other States in the Great Lakes region concerning tracking of the three top-level fugitives, and we urge the Council to request all States to cooperate with the Residual Mechanism in that respect. We shall also continue to provide support to the Rwandan tracking group in respect of the cases of the fugitives that have been referred to that jurisdiction.

The Arusha branch has attended to 26 requests for assistance from seven Member States in the past six months in support of ongoing national investigations or prosecutions. Those figures are in keeping with the increasing trend of ongoing investigations within national jurisdictions against persons suspected to have participated in the Rwandan genocide. Those national efforts are quite welcome because they will contribute significantly to closing any gaps in the struggle against impunity for atrocities committed in Rwanda in 1994.

The monitoring by my Office of cases transferred to national jurisdictions continues. The two cases of Munyeshyaka and Bucyibaruta referred to France are progressing in that jurisdiction. The *Jean Uwinkindi* case referred to Rwanda is before the Kigali High Court for trial. Preliminary proceedings are in progress and subject to determination of applications made by the defence; subsequent trial proceedings are anticipated to be completed expeditiously. With the recent confirmation of the referral of Bernard Munyagishari to Rwanda for trial, I have now appointed a monitor to observe the proceedings in this case.

While the transfer of cases to national jurisdictions has facilitated the early conclusion of the work of the ICTR, its work will really be done only when all the fugitives have been arrested and brought to justice, whether at the Mechanism or in national courts. In respect of both, three are under the mandate of the Mechanism and six continue to be under the mandate of Rwanda. The Mechanism is committed to supporting and supplementing Rwandan efforts at tracking the six fugitives whose cases have been transferred to their jurisdiction. The cooperation of all Member States is critical for the struggle and for ensuring accountability. In that regard, I wish to acknowledge the support received from the United States Government through its War Crimes Rewards Program over the years and its assurances conveyed yesterday by Mr. Stephen Rapp, Ambassador-at-Large for War Crimes Issues, that the Program will continue to support the tracking of the remaining fugitives.

I would urge the Security Council to request all Member States once again to support the Residual Mechanism and Rwanda in the tracking and arrest of those fugitives and in ensuring their accountability in the appropriate jurisdiction.

The President: I thank Mr. Jallow for his briefing.

I remind Council members of the Council's agreement in note 507 of July 2010 (S/2010/507) that they should keep their interventions to five minutes or less. As a number of Council and non-Council members are participating in today's debate, I shall monitor implementation of that agreement closely.

I shall now give the floor to members of the Security Council.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): Guatemala has the honour to chair the Informal Working Group on International Tribunals. Perhaps that explains why we have the privilege of being the first to intervene in this debate, a debate that we would have liked to have been more open to other States Members of the United Nations.

I would like to begin my statement by thanking the Presidents and Prosecutors of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their respective reports (S/2013/308 and S/2013/310) as well as for the report on the International Residual Mechanism for Criminal Tribunals (S/2013/309).

My delegation would like to recognize the huge commitment demonstrated by the staff of both Tribunals to the goals laid out in the completion strategies. In that spirit, we welcome the twentieth anniversary of the adoption of resolution 827 (1993), through which the Security Council unanimously established the International Criminal Tribunal for the Former Yugoslavia. That historic resolution gave clear expression to the commitment of the Council to the rule of law and the fight against impunity.

Twenty years after the establishment of this Tribunal, we recognize its considerable success and progress in developing its international jurisprudence and in providing justice to victims by apprehending all fugitives, by trying individuals who bear the greatest

responsibility for serious violations of human rights, irrespective of their rank. The Tribunal has contributed to strengthening national systems, working closely with local authorities.

Regarding the ICTR, we take note of the forecasts asserting that almost all trials will conclude within the established deadline. However, we are concerned that nine persons continue to be fugitives from justice. We would recall the mandatory character of Security Council decisions and the requirement that States cooperate. The ICTR will be able to complete its work successfully only if it receives the effective cooperation of all States.

Likewise, as the closure of the Tribunal approaches, we are concerned about the human rights situation of those acquitted or who have served their sentence but have not been relocated. We support the recent strategic plan prepared by the ICTR for the relocation of those individuals. We are studying recommendations to find the most efficient way to implement them. In that respect, we would urge States to cooperate with the Tribunal and provide it with all necessary assistance to support its strategic plan for relocating those individuals. As is well known, the Tribunals are still having considerable difficulties in concluding their mandates, and we recognize the need to show flexibility in case assignments and the setting of dates for appeals and trials.

More generally, we welcome the fact that both Tribunals are continuing to take all possible measures to conduct their proceedings swiftly, fully respecting due-process guarantees. We remain concerned about the reports from both Tribunals concerning their difficulties in retaining staff, which is a key obstacle to the timely achievement of the goals and strategies. This is why we support the proposals of the President of the ICTY aimed at achieving the objectives of the completion strategy.

The work of both Tribunals is at a crucial stage, at which they are attempting to effectively conclude their cases while carrying out their outstanding tasks in connection with the Residual Mechanism. The Mechanism will guarantee that there are no gaps in the fight against impunity, given the large number of ongoing functions that must remain after the closure of the Tribunal.

We welcome the fact that both Tribunals have been working together to ensure a gradual and effective transition towards the Residual Mechanism. We note the progress made in connection with the Mechanism and welcome the process under way whereby by 1 July the new branch of the ICTY mechanism will begin its work.

In conclusion, we would like to express our national position to the effect that the Informal Working Group on International Tribunals is in an optimum position, given its technical composition and its flexible mandate, to address additional issues related to international criminal justice, such as matters related to the International Criminal Court on the agenda of the Security Council.

Mr. Mehdiyev (Azerbaijan): At the outset, I wish to thank the United Kingdom for convening this meeting. We are also grateful to the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their extensive briefings. I take this opportunity also to commend the work of the Informal Working Group on International Tribunals, under the leadership of Ambassador Rosenthal of Guatemala, and of the United Nations Office of Legal Affairs in assisting the Tribunals and the Mechanism to reach their goals.

Today's briefings noted the developments registered in the past six months and the progress achieved in meeting the completion strategy targets. We welcome the efforts and commitment of both Tribunals, while fully respecting and safeguarding due process, in completing the outstanding proceedings within the established time frame and in ensuring a smooth transition of their duties to the International Residual Mechanism.

The ICTR has completed its work at the trial level with respect to all 93 accused persons and is focused substantially on the appeal phase, which, naturally, increased the workload of the Appeals and Legal Advisory Division of the Tribunal.

We note that the ICTR is currently facing great difficulties in relocating 10 individuals who were either acquitted or released after completion of their sentences and who still remain in safe houses in Arusha under the Tribunal's protection. This situation impedes the well-timed completion of the ICTR's mandate and creates an additional burden. We welcome the Tribunal's efforts in resolving the issue and emphasize that the cooperation

of States remains a crucial pillar of the work of the Tribunal.

The ICTY has also made progress in its path towards the transition and has already concluded proceedings against 136 out of 161 indicted individuals. The report notes that the ICTY anticipates concluding all trials this year, except with regard to three individuals whose arrests occurred later. However, given the sharply increasing workload of the Appeals Chamber, the existing challenges to retain highly experienced staff members can hinder the timely delivery of judgements.

We note that the Arusha branch of the International Residual Mechanism for Criminal Tribunals has been duly functional since its inauguration last July 2012, and that the opening of The Hague branch next month will certainly make the Mechanism fully operational. Resolution 1966 (2010) empowered the Mechanism with the residual functions of the Tribunals after their closure. The successful operation of the Mechanism will depend significantly on the cooperation of States, especially when it comes to the critically important issue of the arrest and surrender of the remaining three fugitives indicted by the ICTR and relates to the enforcement of sentences. It is therefore important that States remain committed to meeting the relevant obligations towards the Tribunals, continue to cooperate with them, as well as with the Mechanism, and contribute to safeguarding and further developing their legacy.

The activities and jurisprudence of the Tribunals have helped to develop international law, particularly the law of war crimes and crimes against humanity, and contributed to advancing the rule of law and restoring peace. Indeed, the establishment of the truth in situations of gross violations of human rights and international humanitarian law, the provision of adequate and effective reparations to the victims, and the need for institutional actions to prevent the repetition of criminal offences are all necessary adjuncts to a true resolution of conflicts and imperatives in regard to the effective and politically uncompromised system of international criminal justice.

Mr. Kim Sook (Republic of Korea): Let me begin by thanking the Presidents and Prosecutors of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals for their very comprehensive briefings.

Two decades ago, the Security Council opened a new chapter in the history of international criminal justice by establishing the Tribunals. The advances made in international criminal justice are arguably the most positive development in international relations in the past generation. We welcome the fact that this year marks the ICTY's twentieth anniversary. We commend both the ICTY and the ICTR for their valuable contributions to the fight against impunity and the development of key precedents in international criminal law. We hope that the Mechanism will maintain and build upon the achievements of the Tribunals.

Regarding the ICTY, we note that as of today 12 individuals are on trial and 13 are in appeal proceedings, with no outstanding fugitives.

We recognize the Tribunal's efforts in connection with the submission of a consolidated comprehensive plan on the completion strategy, in accordance with Security Council resolution 2081 (2012). The Tribunal still faces challenges related to belated arrests and the loss of experienced staff members, among others. Nevertheless, we urge the Tribunal to continue its efforts to promptly meet completion targets while conforming to the principles of justice.

We share the concern of the ICTY President at the fact that only Judge Antonetti will be available for redeployment in October 2013 to the Appeals Chamber, where nearly all trial activity will be centred. We welcome the fact that the Council can now provide a solution to such concerns in due course.

As for the ICTR, we are pleased to note that the transition from the ICTR to the Mechanism is now well under way. We take note of the Tribunal's projection that all remaining appeals but one will be completed in 2014. We look forward to the Tribunal's completing its final appeal by July 2015, as projected.

The relocation of acquitted persons and those who have already served their sentences is a very important humanitarian issue and a widely shared concern. We commend the ICTR President on having taken a very active role with the Registrar in that regard. We call on the Tribunal, together with States, to continue to exert all efforts necessary to address that problem.

We support the Council's earlier decision in resolution 2054 (2012) that Judge Joensen continue to perform his functions as President of the ICTR until 31 December 2014.

We welcome the progress made in ensuring a smooth transition to the Mechanism. In particular, on 9 April 2013 the trial judgement in the ICTR case of The Prosecutor v. Benard Munyagishari has led to litigation before a bench of the Appeals Chamber of the Mechanism. We hope that The Hague branch will be fully functional on 1 July 2013, as scheduled.

Regrettably, nine fugitives are still at large. Their arrest and prosecution remains a top priority for the Mechanism. We note that in April, the Mechanism duty judge replaced the ICTR warrants with those of the Mechanism for the arrest of the three high-ranking fugitives. We encourage the Mechanism to continue its efforts to track down fugitives and to secure the cooperation of States.

In conclusion, the Tribunals have decisively contributed to the development of international humanitarian law and to the establishment of the ICC. We are strongly committed to providing the support that the Tribunals and the Mechanism will need to succeed now and in future.

Mr. DeLaurentis (United States of America): I thank Judge Meron, Judge Joensen, Mr. Brammertz and Mr. Jallow for their reports.

The prevention of mass atrocities and genocide is both a core national security interest and a moral responsibility of the United States. The prosecution of perpetrators of heinous crimes is essential not only for the sake of justice and accountability but also to facilitate transitions from conflict to stability and to deter those who would commit atrocities. Thus, the United States has strongly supported the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) since they began to fulfil the dual goals of justice and prevention.

In the 20 years since the Security Council established the ICTY, the Tribunal has made a significant contribution to international justice. The body of work of both the ICTY and the ICTR, established a year later, reflects the bedrock principle of providing fair trials for the accused and the opportunity for every defendant to have his day in court. That has been a hallmark of international justice since the Nuremberg trials and remains critical to advancing the rule of law internationally. While no system of justice is perfect, the United States has always respected the rulings of the ICTY and the ICTR and celebrates the progress that both Tribunals have made towards completing their work. Only three ICTY trials are expected to continue past the end of this year, all of which are for the late-arrested accused.

We look forward to the 1 July opening of The Hague branch of the Residual Mechanism for International Criminal Tribunals, which will handle any ICTY appeals after this month. The Arusha branch of the Mechanism has been open for almost a year and has taken some consequential steps, including ordering the transfers of three high-level accused to the courts of Rwanda when they are apprehended. We appreciate the considerable work by both Tribunals to share resources with the Mechanism to reduce costs. We look forward to further measures to streamline operations while maintaining the highest standards of justice. At the same time, we recognize that budgets for the next few years must support new premises for the Mechanism's Arusha branch, archives for both Tribunals, accommodations for victims and witnesses, outreach activities focusing on reconciliation, and judicial proceedings that may arise.

As a measure of our support for the ICTR and the countries of the Great Lakes, as Judge Meron and Prosecutor Jallow graciously noted, the United States recently announced an expansion of our reward programme for fugitives. Under the War Crimes Rewards Program, the United States now offers rewards of up to $5 million for information leading to the arrest, transfer or conviction of the nine ICTR fugitives, as well as designated foreign nationals accused of crimes against humanity, genocide or war crimes by any international, mixed or hybrid criminal tribunal. The list of rewards subjects now includes Joseph Kony, two other leaders of the Lord's Resistance Army, and Sylvestre Mudacumura, sought by the International Criminal Court for crimes allegedly committed in the Democratic Republic of the Congo. We also note the importance of resolving the issue of the relocation of acquitted and released persons in Tanzania and to that end welcome the ICTR's new strategic plan.

What we have supported these past 20 years is a system of justice that aims to hold accountable those responsible for some of the most monstrous crimes known to humankind and to prevent them from recurring. The Tribunals continue to play an indispensable role in establishing global respect for the rule of law. The United States' commitment to working

with the international community towards peace and justice remains steadfast.

Mr. Masood Khan (Pakistan): I thank Judge Meron, Judge Joensen, Prosecutor Brammertz and Prosecutor Jallow for their reports.

Pakistan fully supports the important work of the two Tribunals, as they contribute to procedural and evidentiary international criminal law. Media spotlight and scrutiny on their work has been sharp, but the Tribunals have demonstrated composure, solemnity and impartiality in conducting trial and appeal proceedings and in passing judgements.

During the last six months, the International Criminal Tribunal for Rwanda (ICTR) has completed its substantive work at the trial level with respect to all 93 accused, and it has concluded trial and appeals judgment. The transition from the ICTR to the International Residual Mechanism for Criminal Tribunals appears to be on track. We are glad to note that the Arusha branch of the Mechanism is operational and that it provides active support and protection to witnesses. The Mechanism's monitoring of cases referred to the national jurisdictions is important. Its work on the enforcement of sentences is vital for a smooth transition from the Tribunal to the Mechanism. We are confident that the Mechanism will continue to focus on State cooperation in the arrest of the remaining nine fugitives.

The International Tribunal for the Former Yugoslavia (ICTY), too, has concluded proceedings against 136 out of the 161 indicted individuals. We are hopeful that the Tribunal will conclude all trials during 2013, except for those involving the three most recently arrested accused. We appreciate the measures taken by the ICTY to implement the completion strategy and to pursue its procedural reforms. Concrete steps have been taken to commence the work of The Hague branch of the Mechanism next month.

In the final phase of their work, the Tribunals face challenges in the preparation of archives, the assignment of work to judges and staff management. Adequate resources should be provided to the Tribunals to do their job. The lack of experienced staff would cause additional delays. Therefore, it is logical to consider retention incentives on a case-by-case basis.

While there are no outstanding fugitives under the jurisdiction of the ICTY after the arrest of Ratko Mladić and Goran Hadžić, there are individuals indicted by the ICTR who still remain at large. We hope that with the cooperation and efforts of the relevant Member States, the remaining fugitives will be held accountable.

We support the efforts of the ICTR President and Registrar to find hosts for the relocation of individuals who have either been acquitted or have served their sentences. We call upon States that are in a position to do so to respond positively to the Tribunals' requests. Relocation of acquitted and released persons to third States would give them an opportunity to restart their lives and strengthen the rule of law.

This year marks the twentieth anniversary of the ICTY's establishment. It is essential to preserve the legacy of both Tribunals given their contributions to international criminal law. The work of preparing the archives of the ICTR must be completed according to its approved records retention schedule. The lasting legacy of those tribunals should be to build national capacities for accountability to end impunity.

We hope the Tribunals will also pave the way for the process of reconciliation and lasting peace in the Balkans and the Great Lakes region. The Tribunals' contribution to jurisprudence and precedents in international criminal law is important. So is the reconstruction of a sense of justice, which would help affected societies move beyond the events of the 1990s to closure and healing.

Ms. Lucas (Luxembourg) (*spoke in French*): At the outset, I would like to reiterate the full support of Luxembourg to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Their work shows that international criminal justice prevails and that, sooner or later, the perpetrators of the most serious crimes will be held accountable. I thank Presidents Meron and Joensen, as well as Prosecutors Brammertz and Jallow, for their comprehensive reports (S/2013/308, S/2013/309, S/2013/310) and briefings. I also thank Ambassador Rosenthal of Guatemala and his team for the effective manner in which they have presided over the Informal Working Group on International Tribunals.

I associate myself with the statement to be delivered by the observer of the European Union.

This biannual debate on the activities of both Tribunals is particularly significant, as we have

just celebrated the twentieth anniversary of the establishment of the ICTY. By unanimously adopting resolution 827 (1993), the Council clearly voiced its commitment to an international order based on the rule of law, including respect for international humanitarian and human rights law. The ICTY has paved the way for what is now an internationally recognized principle for fostering conflict resolution and reconciliation in war-torn regions. Those suspected of the most serious crimes, which affect the entire international community, must be brought to justice.

Today, the ICTY is nearing its ultimate goal of completing its mandate by the deadline outlined in the completion strategy for its work. In that regard, we welcome the entry into force on 1 July of The Hague branch of the International Residual Mechanism for Criminal Tribunals. While the Tribunal will face a heavy workload in the *Šešelj*, *Karadžić*, *Mladić* and *Hadžić* cases, we welcome the efforts under way to hold the election of the sixteenth Appeals Chamber judge as soon as possible.

The ICTY has played a key role in strengthening the rule of law and promoting long-term stability and reconciliation in the Western Balkans, but its contribution goes beyond that. The ICTY's jurisprudence has contributed to the development of international criminal law in areas such as individual criminal responsibility and crimes of sexual violence. The Tribunal has given a voice to the victims, especially women and children.

Like the ICTY, the International Criminal Tribunal for Rwanda (ICTR) has made a significant contribution to our common goal of putting an end to impunity for the crime of genocide. We welcome the ongoing transition from the ICTR to the Residual Mechanism and the fact that the transfer of judicial functions will soon be concluded. We commend the referral of cases to the Rwandan jurisdiction, which is an important element of the completion strategy for the Tribunal's work.

However, as has already been noted this morning, nine fugitives continue to evade justice. The Office of the Prosecutor of the Arusha branch of the Residual Mechanism is rightly focusing its efforts on the search for the three high-level fugitives, Mr. Kabuga, Mr. Mpiranya and Mr. Bizimana. Arresting the fugitives is an urgent priority in order for justice to be done. We therefore urge all Member States to intensify their cooperation with the Tribunal and provide all necessary assistance so that all fugitives can be arrested and brought to justice.

We also call for a solution to be finally found for the resettlement of the five persons acquitted by the Tribunal who are still living in safe houses in Arusha under the Tribunal's protection.

While the Tribunals are in the process of drawing down their activities, the responsibility of States in the region in the fight against impunity is growing, in accordance with the principle of complementarity. In the Western Balkans, as in the Great Lakes region, the fight against impunity is essential to efforts to promote national reconciliation, strengthen regional cooperation and enable citizens to look to the future with confidence.

At the international level, the mass atrocities committed in the past few decades have shown that it is imperative to create a permanent court to put an end to impunity for the most serious crimes that affect the international community. The two ad hoc Tribunals have been a source of inspiration in that respect, and their work set the stage for the establishment of the International Criminal Court, a permanent court with universal jurisdiction.

In conclusion, I would like to reaffirm the commitment of Luxembourg to supporting all efforts aimed at strengthening the legacy of the ICTY and the ICTR at the national, regional and international levels, including through enhanced cooperation between the Security Council and the International Criminal Court.

Mr. Briens (France) (*spoke in French*): I would like to thank President Meron, President Joensen and Prosecutors Jallow and Brammertz for their briefings. France associates itself with the statement to be delivered later by the observer of the European Union.

This year we are celebrating the twentieth anniversary of resolution 827 (1993), which created the International Criminal Tribunal for the Former Yugoslavia (ICTY). The Security Council commemorated the event on 28 May. In 20 years, the region has recovered its human face. The political dialogue has continued to make progress under the auspices of the European Union. The Tribunal, guarantor of the right to the truth, the fight against impunity and the duty to remember, has played its full part in that evolution. It has not been ideal, of course; the political rhetoric and denial of

some crimes, and the lack of regional cooperation in bringing intermediate-level criminals to trial are still cause for concern. But the course has held steady.

The Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (ICTR) have anchored the United Nations in an era that Secretary-General Ban Ki-moon has called the age of accountability. As they prepare to bring their work to a close, another body, this one permanent and with a universal jurisdiction, endowed by a statute that reflects the great juridical traditions, has already taken up the baton. The shadow of the International Criminal Court (ICC) continues to lengthen, with the Rome Statute hanging like a sword of Damocles over those who torture, recruit children or commit sexual violence. The Secretary-General's determined policy in promoting human rights, avoiding contact with those wanted by the ICC and instructing mediators not to consider amnesty or immunity for perpetrators of serious crimes has done a great deal to strengthen the impact of international justice, and we salute his efforts.

Regarding the International Criminal Tribunal for Rwanda, I commend the efforts that it has made to stick to its work deadlines as far as possible. I should also confirm our concern to receive full information from the Tribunal about the two cases that have been referred to French jurisdiction, those concerning Mr. Bucyibaruta and Mr. Munyeshyaka. The French authorities pay full attention to issues raised by the Tribunal with regard to those proceedings.

While the Tribunal works to conclude its activities, we should remain vigilant; three high-ranking fugitives, whose arrest is a priority, are still at large — Félicien Kabuga, Augustin Bizimana and Protais Mpiranya. They will be tried by the Residual Mechanism when they are apprehended, and we must ensure that the Mechanism has sufficient resources to allow it to see that task through. I should point out that the Council's resolutions mandate universal cooperation with the ICTR, and it is important that the Council remind everyone of that obligation. Regarding assistance to the Tribunal, moreover, the relocation of those who have been acquitted or who have completed their sentences after having been found guilty is a matter that we are seriously focused on. France was among the first to admit several individuals to its territory at the Tribunal's request. We hope that more States will grant entry to such people.

The Tribunal has positioned the issue of justice at the heart of our concerns in the region. The ICC is continuing that work in the Democratic Republic of the Congo. Today we are pleased to see the work of international justice completed at the political level by the implementation of the Peace, Security and Cooperation Framework Agreement for the Democratic Republic of the Congo and the Great Lakes Region. Its aim is to strengthen the integration of the States in the region and to put an end to decades of instability and mistrust by tackling the root causes of tension.

For its part, the International Criminal Tribunal for the Former Yugoslavia is now managing some very complex cases, which explains the slippage in its timetable. We hope that it will conclude its work as soon as possible, though nothing should undermine its capacity to see that justice is served. I should recall that the decisions of the international criminal justice system apply to all, something that is as true for the ad hoc Tribunals as for the International Criminal Court. We are also obliged to respect the victims. Every decision of the Tribunal has confirmed that atrocities were committed in the region of the former Yugoslavia by all parties. The ICTY has designated the Srebrenica massacre as genocide — soldiers were disarmed and executed, in violation of the law, ethnic cleansing campaigns took place and members of ethnic minorities were persecuted.

While the international Tribunals are bringing their work to a close, the responsibility of the States in the region to commit to combating impunity must now take centre stage. As I said previously, we are not entirely convinced that the countries of the region have mobilized to continue those efforts at the local level. And regional cooperation remains inadequate. For France, as a member of the European Union, full cooperation with the ICTY, as well as regional cooperation, remains a major consideration and an essential obligation within the framework of the stabilization and association process for candidate and potential candidate countries for membership.

The historic agreement of 19 April between Serbia and Kosovo, reached under the auspices of the European Union, creates a new context that brings hope for stability in the region, the future of the peoples involved and the European prospects for those two States. We hope that the spirit that made that agreement possible, one that promotes justice and rejects impunity,

will enable them to definitively turn the page on the conflicts in the former Yugoslavia.

In conclusion, I would like to thank the Ambassador of Guatemala, Chair of the Informal Working Group on the International Tribunals, his entire team, the representatives of the Tribunals and the staff of the Office of Legal Affairs for their efforts in accomplishing the transition provided for in resolution 1966 (2010).

Mr. Quinlan (Australia): Thank you, Mr. President, for this opportunity to reflect on the impact of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), 20 years after the Council's establishment of the ICTY. We are disappointed that the Council could not agree to hold an open debate, but we would like to thank the Tribunal Presidents, Judges Meron and Joensen, and Prosecutors Brammertz and Jallow for their briefings today. We would also like to thank Guatemala for its leadership of the Informal Working Group on the International Tribunals.

I would like to make a number of broader comments. The establishment of the ICTY was a watershed moment in recognizing the relationship between justice and peace. The establishment of the ICTR a year later cemented that link. Of course, the investigation and prosecution of serious international crimes cannot by itself bring about peace or reconciliation. But both historical experience and expert analysis have established that, while timing is important, without justice it is difficult, and ultimately maybe impossible, to establish inclusive and lasting reconciliation and peace.

We all know that both Tribunals have faced challenges. They began their work in the context of an ongoing conflict, in the case of the ICTY, and a fragile peace, in the case of the ICTR. At the outset, they had only skeletal jurisprudence to guide their efforts. With no enforcement powers, they were dependent on States to arrest and surrender indictees, and they had to grapple with vast amounts of evidence. Their achievements in the face of those challenges are truly impressive. All 161 persons indicted by the ICTY and all but nine of the 90 indicted by the ICTR have been accounted for. Together the Tribunals have dealt with 1,627 charges of crimes against humanity, war crimes and genocide. In doing so, they have produced rich international criminal law jurisprudence. Legal aid systems have been established, protective measures for witnesses developed and innovations made in forensic, ballistic and re-enactment evidence. Assistance has been provided to national judiciaries dealing with serious international crimes. And at all times the Tribunals have maintained their independence and provided fair trials in accordance with international standards.

We welcome the considerable progress that the Tribunals have made during the reporting period towards the completion of their mandates, but their work is not yet done. Some of the ICTY's most high-profile cases are still ongoing. The ICTR's trials may have been concluded, but appeals continue, including under the Residual Mechanism. The 10 people acquitted and released in the care of the ICTR in Tanzania must be relocated. States must assist the Residual Mechanism track and apprehend the fugitives from the ICTR. Australia encourages the Tribunals to continue their efforts to implement their completion strategies and calls on all States to continue to cooperate with and support both Tribunals, as well as the Residual Mechanism.

As the Tribunals near the conclusion of their work, we should pay tribute to the thousands of dedicated Tribunal staff and officials, the national Governments of the former Yugoslavia and Rwanda, the host States, international organizations, the members of civil society and, most especially, the victims and witnesses, who have courageously stood up and said that we will not tolerate impunity for serious international crimes.

Just as a democracy is not a democracy unless it protects the most vulnerable, international criminal justice is not justice unless it serves the victims. We still have a long way to go to end impunity. But our responsibility to do so must be a continuous touchstone in the Council's work and must guide our interaction with all international criminal justice institutions, including pre-eminently, of course, the International Criminal Court.

Mr. Bouchaara (Morocco) (*spoke in French*): I take the opportunity to thank the Presidents and Prosecutors of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their briefings. We are pleased to note the progress made by both Tribunals in implementing their respective strategies to finalize their work and ensure the transition to the International Residual Mechanism for Criminal Tribunals and to

promote the conditions necessary for the Mechanism to effectively implement its mandate.

We welcome the measures adopted by both Tribunals, which, while ensuring due process, have enabled the harmonization of working methods in order to accelerate the work pace. We welcome the fact that such measures have enabled the ICTR to conclude its trials of the 93 accused, issuing its final judgement in December 2012, as initially planned. We appreciate the fact that the Tribunal has met all announced forecasts for the past six months in terms of both completed trials and appeals. We welcome the Tribunal's plans to issue judgements in 2014 in five of the six cases before the Appeals Chamber, and we understand why the sixth case had to be postponed until 2015. In addition, we support the measures to ensure the capacity of the ICTR's Appeal Chamber, in particular the quick replacement of Judge Vaz. Maintaining its capacities will enable the Tribunal to dispose of nearly all of its ongoing appeals in 2014 according to schedule.

With respect to the ICTY, we note with satisfaction that, in the period under consideration, 12 judgements and 13 appeals have been completed and that the Tribunal intends to complete all of its trials in 2013. We support measures to strengthen the Appeals Chamber of the ICTY, as its judicial activity increasingly involves appeals, which will facilitate the discharge of its mandate. We note that the ICTY has indicated that certain judgements and arrests will be carried out later than expected. Therefore, we must continue our support with a view to assisting the Tribunal in finding suitable staff.

Dialogue continues among the two Tribunals, the Mechanism, the Office of Legal Affairs and the Council's Informal Working Group on International Tribunals, capably and effectively chaired by Guatemala. It will continue to be the appropriate framework to review ways and measures to overcome any practical or institutional difficulties in carrying out the completion strategy of both Tribunals. The constructive discussions on the forthcoming election of an additional judge to the ICTY Appeals Chamber perfectly illustrate the commitment of the members of the Security Council to continuing to support the two Tribunals.

In that context, the important cooperation of Member States with regional and subregional organizations and the two Tribunals, in accordance with their respective Statutes and the Residual Mechanism, must be highlighted. That cooperation should involve not only additional efforts to arrest the fugitives still sought by the ICTR, but also the accelerated action on communications and requests for legal assistance from both Tribunals. Referral of matters to national jurisdictions has greatly facilitated the programme of work of both Tribunals and the gradual transition to the Residual Mechanism. The ICTY's referral of all cases involving intermediate and lower-rank accused to national jurisdictions, pursuant to resolution 1503 (2003) of the Council, and the referral by the ICTR of 10 cases to national jurisdictions will further enhance complementarity in strengthening the national judicial institutions of affected countries and promoting reconciliation.

We welcome the announced launching next month of the branch of the International Residual Mechanism in The Hague, one year after the opening of the Arusha branch. In that context, we also note the preparations of the ICTY under way to transfer certain follow-up and judgement matters to the Residual Mechanism, as well as other functions of the Tribunal, including the monitoring of sentences, requests for assistance from national authorities and the protection of victims. We welcome the fact that the Arusha branch is now authorized to hear appeals filed against the Tribunal and adjudicate requests to review the Tribunal's judgements, matters involving contempt and false witness and the three major fugitives as soon as they are apprehended. We also welcome the close cooperation between the two Tribunals to ensure that the two branches of the Mechanism benefit from significant administrative support.

Activities to raise awareness among the younger generation, including workshops and exhibits on lessons learned from the judgements and crimes covered by the two Tribunals, should be encouraged. Also, activities to distribute information on both Tribunals to all national, regional and international actors must be continued. The significant number of judgements and arrests by both Tribunals form an important foundation for such awareness-raising activities.

The contribution of the International Criminal Tribunals to international criminal justice must be recognized and preserved. The protection of the heritage of the two Tribunals has judicial as well as moral value. In that spirit, it is important to continue to guarantee access to information relating to the two Tribunals,

their mandates and their contributions, in order to fight impunity, strengthen the international judicial system and enhance reconciliation. It is also essential to take specific measures to ensure ownership of the archives and other commemorative symbols and documents by the populations of those regions affected by the crimes that have been judged by the two Tribunals.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to the leadership of the Tribunals for their briefings on their work, their completion strategies and the transition to the International Residual Mechanism for Criminal Tribunals. We have noted the recent trial and acquittal in the *Stanišić and Simatović* case. We see in that decision and overall in the acquittal by appeal in the *Perišić* case a certain positive trend helping to remedy the anti-Serb leanings of the International Criminal Tribunal for the Former Yugoslavia (ICTY). We believe that a similar potential with regard to such verdicts lies in a number of similar cases on the Tribunal's docket.

However, the ICTY continues to suffer from serious judicial administration problems. The latest unjustified extension of trial deadlines is completely unreasonable. Despite the reasons cited, it is clear that well-organized judicial activities should preclude instances such as the Šešelj trial, which is now in its tenth year. We continue to believe that the ICTY stalemate could be broken with the help of an independent expert — in line with the model of the Special Court for Sierra Leone — as we proposed in December. We reiterate that only following such expert analysis will we consider any proposals to extend the work of the Tribunals beyond 2014, or extend the terms of the judges or any budget proposals going beyond that deadline. It might also be worth considering inviting not just the ICTY President but the ICTY's other judges, including its senior judges, to participate in the next debate at the end of this year.

Restoring trust in the Tribunal and its role in national reconciliation would be boosted by a positive decision by the Security Council with respect to Serbia's request to be inscribed on the list of countries where ICTY-convicted persons can serve their sentences. We believe that Serbia's request is justified, both legally and politically. The situation in that country since 1993 has changed greatly. The country has established modern legal institutions, has seen its civil society develop and has strengthened the rule of law. We support Serbia's request, given the relevant guarantees provided by it.

We are disappointed by the information from Rwanda Tribunal, which we had always considered to be a model for responsible implementation of the completion strategy and an example for the ICTY in that respect. When it comes to granting an extension in the *Butare* case beyond the timeline set forth in resolution 1966 (2010), taking 18 months to translate the file in the case into French is unacceptable. It is hard to imagine that the problem could not have been foreseen six months ago, prior to the December briefing to the Security Council (see S/PV.6880), when the ICTR promised to conclude all cases in a timely fashion. We believe that the ICTR has the necessary capacities and financial resources to remedy the situation by the deadline in conformity with the time frame stipulated in resolution 1966 (2010). I hope that we will not have to return to the issue once more at the end of the year.

Very soon we will see the opening of The Hague branch of the Residual Mechanism, the latest milestone in the history of the ICTY and ICTR. We will soon see whether the outcomes of the work of the Tribunals will be a heritage acceptable to the whole of the international community. In that regard, going to every length to ensure that the history of the Tribunals ends on a positive note, we will strictly adhere to the compromise scheme for the completion of the work of the Tribunals and the model of the Residual Mechanism as an organ with a limited jurisdiction and life cycle, as set forth in resolution 1966 (2010).

Mr. Li Zhenhua (China) (*spoke in Chinese*): We wish to thank the Presidents and the Prosecutors of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) for their respective briefings on the implementation of the completion strategies of the ICTY, the ICTR and the Residual Mechanism of the International Criminal Tribunals.

We have noted with pleasure that the two Tribunals have made further headway in their work and have been moving steadily forward with the completion strategy. The ICTY branch of the Residual Mechanism will start operations as of 1 July 2013, which we acknowledge as an important milestone.

As for the work of the two Tribunals and the Residual Mechanism, I wish to make three points. First, under resolution 1966 (2010), the two Tribunals are to complete all the work that remains and are to be closed by the end of 2014 at the latest. We have noted the delay

in part of the work of the two Tribunals, as mentioned, and we believe that the Council resolution should be strictly followed. We hope that the two Tribunals will continue to take effective measures to accelerate the pace of work, while ensuring the quality of their trials, so as to complete their work on schedule.

Secondly, the Arusha branch of the Residual Mechanism has been progressing well, and part of its judicial functions have been handed over to it smoothly. The Hague branch of the Mechanism will soon come into operation. China hopes that the ICTY will organize its work in various areas so as to ensure the smooth start and operation of the Hague branch.

Thirdly, we have noted that the two Tribunals still face some difficulties in their related judicial activities and administration. As mentioned earlier by the previous speakers, there are still nine fugitives within the jurisdiction of the ICTR. Therefore, there remain potential cases involving the arrest of fugitives and the placement of those convicted and sentenced. We call upon the countries concerned to continue their cooperation with the two Tribunals and to arrest the fugitives at large. At the same time, we also hope that the countries able to do so will provide the necessary assistance to the two Tribunals in areas such as the placement of those sentenced. We also take note of Serbia's proposal with regard to the serving of sentences, which we think is very important.

Mr. Nduhungirehe (Rwanda): We wish to thank Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and President of the International Residual Mechanism for Criminal Tribunals; Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR); and Prosecutors Serge Brammertz and Hassan Bubacar Jallow for the reports on the completion strategy of their respective Tribunals (S/2013/308, annexes I and II; S/2013/309, annexes I and II; S/2013/310, annexes I and II).

Rwanda recognizes the important role played by the ICTR and the ICTY in the international system of justice. Both Tribunals have produced a substantial body of jurisprudence, including definitions of the crime of genocide, crimes against humanity, war crimes, and forms of responsibility such as superior responsibility.

In 1998, the ICTR, through the *Akayesu* case, established that a genocide had occurred in Rwanda in 1994 — a genocide against an ethnic group, the Tutsis. In the same vein, in 2004, the ICTY ruled in the *Krstić* case that in 1995 a genocide had been committed against the Bosnians in Srebrenica. Unfortunately, those rulings have not prevented genocide deniers in Rwanda, Bosnia and Herzegovina and beyond to openly deny the fact of the genocides, which, for us, is an insult to the memory of the victims and to the survivors.

Nonetheless, in the case of Rwanda, one of the tactics of the genocide deniers was to co-opt the very terminology of the United Nations, which had described the crime as the "Rwandan genocide". As a result, revisionists of all kinds, including scholars from Western countries, were able to state that, yes, a genocide had occurred in Rwanda, but it was one perpetrated against a national group, that it was a question of Rwandans killing each other.

As we prepare to commemorate the twentieth anniversary of the genocide next year, we call upon the United Nations to consider reviewing the qualification and call the crime established by the ICTR in the *Akayesu* case a genocide perpetrated against the Tutsis.

We acknowledge the efforts of the ICTY and the ICTR to expedite the proceedings and smoothly achieve the transition to the Residual Mechanism. However, allow me to express the serious concern of my Government with regard to two aspects of the work of the ICTR. First, with regard to the time and cost of the proceedings, the ICTR has, since its inception 17 years ago, completed cases involving only 75 suspects with an overall budget amounting to billions of United States dollars.

Secondly, with respect to the decisions of the ICTR, particularly those of the Appeals Chamber, in 1998, Jean Kambanda, the then-Prime Minister of the Government that was in place during the genocide, pleaded guilty to six counts before the ICTR, including conspiracy with other members of the Government to commit genocide. However, the ICTR, particularly the Appeals Chamber, has on several occasions in the past month acquitted a number of members of that Government, some of whom were heavily sentenced at first instance. Given both the pace of the proceedings and the acquittals of some of the masterminds of the genocides, it is the feeling of our people that the ICTR did not fully live up to the trust that Rwandans, particularly the genocide survivors, had vested in the Court.

As stated in the ICTR report (S/2013/310), four cases were transferred to national jurisdictions, two

in Rwanda and two in France. For the case of Jean Uwinkindi, and soon the case of Bernard Munyagishari, referred to Rwanda, we reiterate our commitment to full cooperation with the ICTR Residual Mechanism monitoring arrangement. However, as we had already stated before the Council in June 2011 and in December 2012 (see S/PV.6545 and S/PV.6880), we are concerned about the fate of the cases against Laurent Bucyibaruta and Wenceslas Munyeshyaka, transferred to France in November 2007. Almost six years after the referral, little has been done to try the two suspects. While taking note of the ongoing monitoring arrangement for the cases, we would, however, wish to request that the status of those cases, including the reasons for the delay, be communicated in the next report of the Residual Mechanism.

Rwanda welcomes the call made again yesterday by Prosecutor Hassan Bubacar Jallow to urge the States Members of the United Nations to live up to their obligations to cooperate with the Residual Mechanism and the tracking and arrests of the remaining nine fugitives, among whom the most wanted are Félicien Kabuga, Protais Mpriany a and Augustin Bizimana. Indeed, we are deeply concerned at the lack of progress in that regard, and we commend the Prosecution tracking team for its tireless efforts in ensuring that the remaining fugitives are brought to justice. In that regard, we acknowledge the role of the United States Government and its War Crimes Reward Program.

In the same vein, we call upon the concerned States Members of the United Nations to arrest other genocide suspects living on their soil, including leaders of the Forces démocratiques de libération du Rwanda (FDLR), a movement with members who have committed genocide in Rwanda or who perpetuate its ideology. In that regard, we commend the Government of Germany for its indictment yesterday for terrorism of the leaders of the FDLR operating in that country. We believe that that decision should be emulated by countries of the region and beyond that may be tempted to support or sympathize with that genocide force.

The Government of Rwanda once again reiterates its request that the archives and records of the ICTR be transferred to Rwanda upon completion of the mandate of the Residual Mechanism. Those archives should be transferred to Rwanda because they constitute an integral part of our history. They are vital to the preservation of the memory of the genocides and will play a critical role in educating future generations to guard against genocide deniers and revisionism. We recall that this request was also endorsed by the East African Community, a subregional organization comprising Burundi, Kenya, Rwanda, Uganda and Tanzania, the latter being the ICTR host country. We are grateful to President Joensen for recognizing the need to ensure that the ICTR's records are readily accessible to the Rwandan people for posterity.

To conclude, let me recall that the next April, the world will be commemorating the twentieth anniversary of the genocide perpetrated against the Tutsi in Rwanda. Rwanda is today a different country, which has achieved a great deal in the area of justice, reconciliation and development. With the closure of the Gacaca courts last year and the winding down of the ICTR and the Residual Mechanism in 2014-2015, we hope that the twentieth commemoration will be an opportunity to turn a dark page of our history. For that, we call upon the ICTR, the Residual Mechanism, the Security Council, the Secretariat and all States Members of the United Nations to accompany Rwanda in the process along the lines of the requests and suggestions we have expressed during this debate.

Mr. Menan (Togo) (*spoke in French*): At the outset, I would like to thank President Theodor Meron, President Vagn Joensen, Prosecutor Brammertz and Prosecutor Jallow for their briefings on the reports of the International Criminal Tribunal for the Former Yugoslavia (ICTY) (S/2013/308) and the International Criminal Tribunal for Rwanda (ICTR) (S/2013/310).

Next year, we will be celebrating the twentieth anniversary of the ICTR. This year we have commemorated that of the ICTY. The press statement made on behalf of Security Council members on 22 May, under the Togolese presidency, to mark those events reflected the commitment of the international community to combat impunity. It is therefore important to take stock, in a critical and constructive manner, of the activities of the two Tribunals in order to draw the best lessons from both their failures and their successes, with a view to urging the international community to work with greater determination to promote international criminal justice. To that end, Togo believes that the Council has been wise to expand today's debate to include more participants than usual.

The reports presented reflect the progress that has been made towards completion of the mandates, sometimes through the modification of procedures,

all the while respecting the principle of due process. The ICTR has concluded all trial court cases in a timely manner. We urge the ICTR to keep its pledge in terms of appeals to make two further arrests before the end of 2013 and to hold substantive hearings without significant delays in the six pending cases.

The ICTY, for its part, is still doing its best to stay on schedule, despite being short of staff and appeals judges and the workload resulting from new arrests. In that context, the redeployment of Judge William Sekule from the ICTR to the Appeals Chamber, at a time when one of the ICTR judges of that Chamber has resigned, will not be enough to respond to the persistent difficulties at the ICTY in appointing judges to the Appeals Chamber.

Togo takes note of the decision of the Council whereby one of the two newJudges will be chosen by appointment and the other by election to bring the number of judges to the level commensurate to the proportions of the task and challenges to be met.

Togo wishes to stress the negative impact of the constraints resulting from the reduction in and departure of qualified staff on the completion strategies of the two Tribunals as well as on the transition towards the Residual Mechanism. We think that the entities concerned within the United Nations should take appropriate steps to minimize the consequences of the problem. We are also pleased that the end of the ICTR and the ICTY will not spell impunity for persons still on the run, since certain cases, including those of ICTR fugitives, have been referred to national jurisdictions. Monitoring mechanisms still need to be established to guarantee due process before those national jurisdictions.

Regarding the problem of the resettlement of persons acquitted or who have served their sentences but who continue to be denied their liberty due to the lack of a host country, the Council should explore appropriate ways and means to assist the Tribunals in that respect. In that regard, Togo welcomes the coordination initiative with the International Criminal Court with a view to devising possible solutions.

It is clear that this unjust constraint imposed on persons supposedly at liberty is at odds with the agreements with the host countries, whereby those persons, following their trials or serving their sentences, should no longer reside in the host territory. But that constraint also affects the credibility of the commitment of the United Nations to ensuring international criminal justice in accordance with the principles of the rule of law or the primacy of law. The Council should call on the Secretary-General to submit to it a report on the role that has been, or could be, played by United Nations entities and make recommendations to guide the Council.

The interactive informal dialogue held on 14 March with Mr. Bongani Majola, the ICTR Registrar, and Mr. John Hocking, the ICTY Registrar, and with the Residual Mechanism allowed us not only to take stock of progress made towards completion of the mandate, but also to grasp the scope of the challenges to come for each of the branches of the Residual Mechanism. We welcome the transfer of activities and the assistance from the two Tribunals to the Arusha branch of the Residual Mechanism. That experience will help better organize The Hague branch, which will begin its work on 1 July.

Outreach is one of the fundamental pillars for the Tribunals in implementing the mandates through raising the awareness not only of the broader public but also of States and international institutions. Thus Togo encourages initiatives from the Tribunals, not just to bolster the capacities of States and international organizations, but also to sensitize individuals in order to prevent similar crimes. However, as we stated regarding the Special Court for Sierra Leone last October, Togo would like to draw attention to the fact that the impact of images can still surprise and often backfire. Therefore it calls on the two Tribunals to follow the appropriate educational approach to counter the negative effect of images that could rather inspire or encourage certain persons to replicate atrocities.

Ms. Millicay (Argentina) (*spoke in Spanish*): At the outset, I would like to state that my delegation supported this being an open debate because the subject merits this, in particular given the twentieth anniversary of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and also because my country is working constructively towards enhancing and ensuring the transparency and openness of the Council vis-a-vis the broader membership. I would like to thank Presidents Meron and Joensen and Prosecutors Jallow and Brammertz for their presence in the Council and welcome the presentation of the reports of both Tribunals, including that on the activities of the Residual Mechanism (S/2013/308, S/2013/309, S/2013/310).

Argentina welcomes the progress reported for the ICTY, in particular given that since the November 2012 report (S/2012/847) the Tribunal has finalized five trials, two of which were concluded after the formal presentation of the report of the Tribunal on 23 May, and only four trials are still pending. My country acknowledges the efforts of the Tribunal to comply with deadlines and time projections in a situation involving staff reduction, including for translation services. I would also like to recognize progress made in regard to appeals.

Regarding the International Criminal Tribunal for Rwanda (ICTR), we would also like to express our satisfaction at the progress made towards a mechanism for the expedited election of an additional appeals judge, in keeping with Judge Meron's request. Argentina supports the Council putting that Mechanism into practice immediately.

We also welcome the information regarding compliance by the ICTR with the deadlines and time projections for trials and appeals, and the fact that the transition to the Residual Mechanism continues to accord with such projections, including the handover of archives by the end of 2014. I would also like to underscore the importance of the *Ngirabatware* appeal, the first appeals case that will be resolved by the Mechanism. Finally, I would like to highlight the importance of arresting those individuals still at large. We recall that resolution 955 (1994) of the Security Council establishes the obligation of all States to fully cooperate with the Tribunal.

As regards the Residual Mechanism, Argentina recognizes the progress made towards its being fully functional and the fact that the Arusha branch has been operational since July 2012. We are also pleased by the opening on 1 July of the Hague branch, which will assume the same responsibilities with regard to the ICTY as those already undertaken by the Arusha branch with regard to the ICTR.

Argentina would like to commend the work of the Mechanism in monitoring cases referred by the Tribunal to Rwandan national courts. We also welcome the attention given to the normative continuity between the Tribunals and the Mechanism, which is necessary to ensure due process at this transitional stage.

Resolution 827 (1993) marked a milestone, because 50 years after Nuremberg, it shows that impunity for the most serious crimes is unacceptable. On this twentieth anniversary of the ICTY, it is pertinent that the international community recognize the progress made by the ICTR and the ICTR in fighting impunity and its important doctrinal contributions to international law, in particular international humanitarian law. It is also relevant to recognize the role and importance of international criminal justice. The legacy of both ad hoc Tribunals regarding the reaffirmation of the international community's awareness that no sustainable peace can emerge without justice is undeniable. That legacy was consolidated in a definitive manner with the establishment of a permanent international tribunal, the International Criminal Court, that today is central to the international criminal justice system of the international community.

It is not de jure or de facto amnesties that provide relief to victims of atrocities, but, rather, it is when justice is seen to be done through impartial and independent courts. Argentina reiterates its support for the work of the ICTR and the ICTY and pays tribute, on this twentieth anniversary of the ICTY, to both of them for their significant contribution to the fight against impunity.

The President: I shall now make a statement as representative of the United Kingdom.

I would like to express the United Kingdom's thanks to President Meron, President Joenson, as well as Prosecutor Brammertz and Prosecutor Jallow, for their reports today. We would like to congratulate the International Criminal Tribunal for the Former Yugoslavia (ICTY) on its 20 years of service. It has been instrumental in helping to tackle impunity and delivering justice to the many victims of the conflicts in the former Yugoslavia. On behalf of the United Kingdom, I would like to thank the ICTY for all of its work and for what it has accomplished since its establishment 20 years ago.

We are pleased that verdicts have been delivered in the *Stanišić*, *Simatović* and *Prlić* cases which are milestones for the ICTY. It is important that everyone respect those verdicts. We welcome the continued cooperation of Serbia, Croatia and Bosnia and Herzegovina. State cooperation is essential for the completion of the ICTY's mandate. We note, however, that there has been limited progress in investigating the support networks that helped Mladić and Hadžić evade capture. Investigating those networks remains a priority.

We welcome the signing of a protocol covering the exchange of evidence between Bosnia and Serbia. That is a positive step that will help improve cooperation between the two States. However, as the Prosecutor's report (S/2013/308) states, the capacity of domestic institutions to conduct effective war-crimes prosecutions remains a concern. We encourage all parties to consider this point and to explore ways to improve the capacity of domestic institutions.

It is disappointing to see that the judgement in the *Karadžić* case is now expected in July 2015. Repeated delays to this trial are disheartening. We urge the Tribunal to take all necessary steps to minimize any further delays, given the importance of the timely completion of trials.

Turning to the International Criminal Tribunal for Rwanda (ICTR), we are pleased to see that the Tribunal has completed all of its trial work and that the transition to the Residual Mechanism is progressing well. Capturing the remaining ICTR fugitives remains a priority. The Tribunal's work cannot be fully completed until all of those individuals are apprehended. We encourage all Member States to provide their full, unequivocal support and cooperation to ensure that the fugitives are captured.

At the same time, we encourage the ICTR to cooperate with States to facilitate the national prosecutions that relate to individuals accused of genocide. Those actions will help ensure that all accused of genocide face justice. We note that host States for the acquitted individuals in Arusha have still not been found. This is disappointing, and we encourage all parties to work together to find a solution to this problem as soon as possible.

We regret to see that staff retention continues to be an issue for both of the Tribunals. There is no easy solution to this problem, and so we encourage both Tribunals to prioritize their resources as rigorously as possible.

I now resume my function as President of the Council.

I remind those speaking under rules 37 or 39 that they should also keep their remarks to five minutes or less.

I now give the floor to His Excellency Mr. Nikola Selaković, Minister of Justice and Public Administration of Serbia.

Mr. Selaković (Serbia): Let me begin by expressing my satisfaction over this opportunity to participate in the proceedings of this body.

At the outset, I would like to thank the Presidents and the Prosecutors of the two Tribunals and of the International Residual Mechanism for presenting their reports (S/2013/308, S/2013/310, S/2013/309).

The Republic of Serbia has accorded continued and undivided importance to its cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). As confirmed in the most recent report (S/2013/308) of the President and the Chief Prosecutor of the ICTY, that cooperation has yielded significant results. In July 2011, my country completed its cooperation with respect to all indictees whose transfer had been requested by the Tribunal.

We note that the Prosecutor and the President of the ICTY have positively assessed the results that the Republic of Serbia has achieved in its cooperation with the ICTY. They pointed out that there were no outstanding or unmet assistance requests, that all summonses had been served on time, that ICTY orders had been carried out in a timely fashion and that witnesses had attended the Tribunal without delay or difficulties.

The Republic of Serbia has also shown its full commitment to cooperation with respect to access to documentation, archives and witnesses. Further, it refused no access request by either the ICTY Prosecutor or defence teams. Waivers were granted to all witnesses for whom they had been requested, which made it possible for them to testify before the Tribunal.

At the same time, 398 persons have so far been tried in the courts of the Republic of Serbia for criminal offences committed against international humanitarian law. Consequently, the Republic of Serbia showed a firm commitment not only to complying with its international obligations, including punishing those responsible for committing crimes, irrespective of their ethnicity, but also to establishing the whole truth about crimes committed during the armed conflicts in the territory of the former Socialist Federal Republic of Yugoslavia. The Republic of Serbia is convinced that it is thereby contributing to the establishment of justice and the process of regional reconciliation.

This meeting is being held 20 years after the establishment of the ICTY under resolution 827 (1993).

The painful memories of the tragic events of the 1990s still gnaw at the sensitivities of many in the countries of our region. Yet time and again those countries have demonstrated their resolve to proceed along the road of good-neighbourliness, cooperation and reconciliation. Therefore, I must point out that the Republic of Serbia places great importance on the initiative that would enable persons sentenced by the ICTY to serve their sentences in the countries that emerged on the territory of the former Yugoslavia whose nationality they hold. The basic motivation for that initiative is my country's determination to assume responsibility for overseeing prison sentences handed down to its nationals by The Hague Tribunal.

On a number of occasions, the Republic of Serbia has shown its readiness to allow its own nationals, as well as other willing persons tried by the ICTY, to serve their sentences in Serbia. It is also prepared to provide full security guarantees regarding the locations in which those sentences would be served.

I would like to emphasize that on 20 January 2011, the Republic of Serbia signed an agreement with the International Criminal Court on the enforcement of its sentences. Under that agreement, persons sentenced by the Court for the commission of war crimes, crimes against humanity or genocide may serve their prison sentences in the Republic of Serbia. I would also like to stress that Serbia is the first country in Eastern Europe to have signed such an agreement with the International Criminal Court; the only other countries to have done so before Serbia are the United Kingdom, Austria, Belgium, Denmark and Finland.

Bearing in mind that punishment is also intended to encourage resocialization of the persons sentenced, my country believes that that goal becomes more elusive if prisoners serve their sentences in countries whose languages they do not speak or understand, which further hampers their ability to communicate with their surroundings. Furthermore, it should not be forgotten that most of the countries in which sentences are being served are geographically far from Serbia, which makes family and relatives' visits much more difficult and, in some cases, impossible. That is the main cause of complaints addressed to the Government of the Republic of Serbia by prisoner families.

Let me also point out that all the results of my country's years of cooperation with the Tribunal indicate, writ large, the seriousness of the Republic of Serbia and its readiness to accept international supervision of sentences being served and to provide firm guarantees that sentenced persons will not be paroled without the requisite decisions of the ICTY, the International Residual Mechanism or some other organ or body of the United Nations to be charged with those issues in future.

The countries that emerged on the territory of the former Yugoslavia, including the Republic of Serbia, are not in a position to conclude agreements with the Tribunal on the enforcement of sentences, even though ICTY President Theodor Meron said in his report that the Tribunal had signed such agreements with 17 countries and emphasized the need for continued efforts towards signing a number of new agreements sufficient to enable successful completion of the Tribunal's mandate. President Meron also noted in his report that those States that had concluded such agreements were praised in resolution 1993 (2011) and urged those that had not done so to conclude them.

Since 2009, the Republic of Serbia has insisted on signing an agreement on the enforcement of sentences and is actively working on the initiative to have those sentenced by the Tribunal serve their sentences in their own country. Serbian officials of the highest rank have repeatedly appealed to United Nations and ICTY officials, but there has , regrettably, been no breakthrough of scope or significance in that regard.

The Republic of Serbia believes that the main reason for the stalemate is the Secretary-General's May 1993 recommendation to the Council to the effect that "the enforcement of sentences should take place outside the territory of the former Yugoslavia" (*S/25704, para. 121*). Even if that position could have been considered justified in 1993, when the winds of war ripped through the former Yugoslavia, it is clear that it long ago lost its validity.

Today the Republic of Serbia is a democratic country. It has on numerous occasions demonstrated its commitment to, and capacity to comply with, its international obligations, including the punishment of those responsible for crimes as well as the enforcement of sentences in accordance with European standards. I wish to point out that, as it has done in the past, the Republic of Serbia will continue to comply with its obligations, both in its cooperation with the ICTY and with the International Residual Mechanism, the ICTY branch that is expected to begin its work on 1 July 2013.

To conclude, let me say that the Republic of Serbia would be grateful if the members of the Council would re-examine the recommendation made by the then Secretary-General 20 years ago and would allow Serbia to be placed on the list of countries that have indicated to the Council their willingness to accept convicted persons under the full supervision of the Tribunal.

The President: I now give the floor to the representative of Bosnia and Herzegovina.

Ms. Čolaković (Bosnia and Herzegovina): At the outset, allow me to welcome the Presidents and Prosecutors of both Tribunals and express my gratitude for their reports (S/2013/308, S/2013/309, S/2013/310) and briefings today. I would like to underline the great contribution made by all of the staff of the Tribunals and commend their efforts for the successful completion of the Tribunals' mandates. My thanks also go to the Guatemalan delegation for its work as chair of the Informal Working Group on International Tribunals.

Just this past month, we celebrated 20 years of the existence and 19 years of the operation of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) — anniversaries whose importance goes beyond the two ad hoc Tribunals. In reality, their significance stands as testimony to and a living embodiment of the spirit and promise of Nuremberg, carried forward into the twenty-first century. The triumph of justice over vengeance was the legacy of that post-Second World War tribunal. It complemented The Hague and Geneva Conventions through the principles and precedents it established, eventually serving as an inspiration and foundation for both the Tribunals and the International Criminal Court (ICC).

Bosnia and Herzegovina welcomed the establishment of the ad hoc International Criminal Tribunal for the Former Yugoslavia as a legal framework to ensure accountability and bring to an end a tragic period for all of the peoples living in Bosnia and Herzegovina. The Tribunal's determined message, namely, that crimes committed in the former Yugoslavia will be punished consistently and without exception, has been heard loud and clear. The same can be said about the ICTR and its contributions to reconciliation and sustainable peace in its region.

In accordance with what I have just said, the authorities in Bosnia and Herzegovina have consistently and constructively cooperated with the Hague Prosecutor and the Tribunal since the end of the war. That cooperation has been positively assessed in the relevant periodic reports and noted in the latest report of the Prosecutor. However, we take note of all of the other assessments and concerns that the Prosecutor has raised and remain fully aware that a great deal still remains to be done. I wish to recall that Bosnia and Herzegovina carries the greatest burden of prosecutions for war crimes. Still, since 2005, when the Court of Bosnia and Herzegovina became fully operational, measurable progress has been made in processing war crimes, and over 200 cases have been successfully concluded. However, according to the relevant statistics of domestic and international actors, there are a large number of war crimes to be prosecuted in domestic courts.

Nevertheless, the fact remains that the National Strategy for War Crimes requires an improved approach to implementation and to meeting deadlines. The capacity of the Bosnia and Herzegovina system to process war crimes cases fairly and in line with international and national standards is not in question. However, stronger efforts need to be made to effectively increase the overall pace of the processing of cases at both the State and the entity levels. As the Tribunals are steadily heading towards their closure, the duty to continue the fight against impunity and enhance the reach of justice falls more fully on credible national prosecutions. To that end, let me assure the Council that our common goal remains that of ensuring that all crimes committed are investigated and prosecuted and the perpetrators appropriately punished. Given our unfortunate first-hand experience, Bosnia and Herzegovina remains resolutely faithful to those principles.

As regional cooperation plays an additional important role in that respect, we are certain that the Protocol on the exchange of evidence and information on war crimes, recently signed between the respective Prosecutor's Offices of Bosnia and Herzegovina, Serbia and Croatia, will give an impetus for strengthening communication and further enhancing coordination. My country remains dedicated to the further promotion and intensification of regional cooperation, given that that is in the joint interests of the countries in the region.

Moving to the issue of the completion of the work of both Tribunals, we note the exceptional efforts that the Tribunals continue to make to successfully complete their work and make the full transition to the Residual

Mechanism, fully mindful of the highest standards of due process. It is our hope that further delays will be avoided by progressively fulfilling the remaining judicial functions. Victims and their families have waited long enough, and some are still waiting for the opportunity for redress and closure. Further delays only undermine the solemn promise that justice will unconditionally be served.

Finally, it is our hope that some lessons have been learned. In that regard, I wish to remind the Council of the words of Prosecutor Robert H. Jackson at the Nuremberg trials, warning that: "The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating that civilization cannot tolerate their being ignored, because it cannot survive their being repeated". That is a message we need to carry with us in these turbulent times. As for the Tribunals, one of their ultimate contributions will be to demonstrate that administering justice can contribute to reconciliation, in the Balkans and elsewhere. We can only hope that the pioneering role of the two Tribunals will be confirmed and expanded worldwide by the ICC.

The President: I now give the floor to the representative of Croatia.

Mr. Vilović (Croatia): We appreciate the comprehensive reports (S/2013/308, S/2013/309, S/2103/310) of the Presidents and Prosecutors of the International Tribunals on the work of the Tribunals during the reporting period, on the status of the cases before them, as well as on measures undertaken in the implementation of the completion strategy. The recent twentieth anniversary of the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) certainly presents an appropriate opportunity for a more comprehensive assessment and stocktaking of past activities, lessons learned and overall achievements of the Tribunals. In that context, we thank you, Sir, for having opened this debate up to the broader membership, albeit not in the format of an open debate.

It is a well-known fact that Croatia advocated for the establishment of the ICTY from the very beginning. We wholeheartedly supported the strong determination of the international community to finally, once and for all, put an end to the culture of impunity that had for so long accompanied wars and armed conflict. The establishment of the Tribunals was a clear indication that a new era had arrived — an era in which it was not important any more how high-ranking or influential perpetrators of grave breaches of international humanitarian law were, but what the record of their actions was. It is not an exaggeration to say that precisely the establishment of the Tribunals, whose work we are discussing today, forever changed the landscape of international criminal justice and introduced a whole new system with the International Criminal Court at the head.

With high hopes and expectations at the time of its creation, Croatia also strongly supported the main purpose of the ICTY — the prosecution and punishment of the individuals most responsible for acts of genocide, war crimes and crimes against humanity, as well as delivering justice for the victims of those crimes. Equally so, Croatia supported the Tribunal's more global functions aimed at the restoration and maintenance of peace and stability in the region, as well as the promotion of justice and reconciliation. Those are goals and hopes that we have supported and nourished at the time of the Tribunal's establishment 20 years ago and that we support and nourish even more today.

Croatia welcomes the results achieved by the ICTY to date and, in particular, the fact that all those indicted by the Tribunal have been arrested and transferred to its custody. It is encouraging to know that a number of high-level perpetrators of the most heinous crimes in our region have met their destiny in The Hague Chambers and are now coping with if in prisons around the world.

At the same time, it is only fair to say that the road towards the noble and ambitious goals that the Tribunal set for itself was neither straightforward nor easy. Being a pioneer in the interpretation and application of international humanitarian law, as well as international criminal law, the Tribunal unavoidably encountered a number of substantive and procedural questions, the answers to which were not always clear or immediate. In that context, let me simply mention here the oft-criticized very long judicial processes, which have in some cases seriously undermined their own purpose. Although late justice is certainly better than no justice at all, such delays have interfered with the rightful expectations of the victims, but equally so with the rights of the accused to a fair and swift trial. Furthermore, the frequent modifications of the Tribunal's Rules of Procedure certainly did

not contribute to legal confidence, nor the clarity or simplicity of the procedures.

Finally, according to article 7 of its Statute, the main task of the Tribunal is to establish the individual responsibility of the accused. However, introducing new and untested concepts as criteria for determining that responsibility, artificially applied to this legal field and significantly altering the traditional command responsibility concept, and also introducing those new concepts only in the later stage of the Tribunal's proceedings, resulted, in our opinion, in a weakening of the Tribunal's authenticity and led the Tribunal to delve into political and historical assessments and interpretations with doubtful success.

In that context, and as we stated in our previous interventions, let me add that Croatia follows with particular attention the new jurisprudence emerging from the Tribunals' work and its potential to shape future criteria for, inter alia, the lawful use of force and waging legitimate military action, including the general responsibility of military and political leaders. There is no doubt that the ensuing legal interpretations of that jurisprudence will have a serious impact on any future conduct of hostilities, as well as on noble efforts aimed at preserving or fostering international peace and security.

Let me now turn to the reports of the ICTY's President and Prosecutor (S/2013/308, annexes I and II), which we have in front of us today. We are pleased to note that, in paragraph 42 of his report, Prosecutor Brammertz has once again recognized Croatia's full and unequivocal cooperation with the Office of the Prosecutor and stressed that "the Office of the Prosecutor continues to rely on Croatia's cooperation to efficiently complete trials and appeals." We will indeed continue to cooperate as recorded and render our full support to the Tribunal. It is also a pleasure to inform you, Mr. President, that Prosecutor Brammertz visited Croatia between 22 and 24 May for the annual conference of prosecutors from the former Yugoslavia held in Brijuni, where they continued their discussions on issues of mutual relevance.

Croatia is aware that the cooperation of the States in the region remains crucial for the successful accomplishment of the Tribunal's mandate and, in that context, stands ready to lead by example. At the same time, enhanced regional cooperation in the area of war crimes and related issues represents one of the important legacies of the Tribunals. We are ready to continue mutual cooperation in that important area, according to the generally accepted principles of international criminal law and with the full respect of relevant national jurisdictions and competencies.

Finally, let me conclude by saying that my country, although not always necessarily pleased with all the procedures, rulings or decisions of the ICTY, has at all times cooperated with the Tribunal to the best of its abilities, fully respecting its decisions and never challenging them outside the stipulated procedures. And that is exactly what we are going to do until the final fulfilment of the ICTY's mandate and that of International Residual Mechanism for Criminal Tribunals.

The President: I now give the floor to His Excellency Mr. Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nations.

Mr. Mayr-Harting: I have the honour to speak on behalf of the European Union (EU) and its member States. The acceding country Croatia; the candidate countries Turkey, the former Yugoslav Republic of Macedonia, Montenegro and Iceland; the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina; as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this declaration.

We would also like to thank the Presidents and Prosecutors for their reports (S/2013/308, S/2013/309, S/2013/310) and briefings. They illustrate the unwavering commitment and tireless efforts of both Tribunals in support of the fight against impunity for the most serious crimes.

We remain steadfast in our support for international criminal justice. Ending impunity for serious crimes is indispensable to building sustainable peace and reconciliation. Victims of mass atrocities deserve justice and rehabilitation, and those who commit the most serious crimes must know that they will be held accountable.

The achievements of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) represent a landmark in that regard. The case law from the ICTY and the ICTR has contributed greatly to the development of international criminal law. Moreover, the Tribunals were a catalyst for the negotiations on the

Rome Statute and the establishment of the International Criminal Court. We pay tribute to the Tribunals' achievements and contributions to the fight against impunity.

Since its establishment 20 years ago, the ICTY has made a remarkable contribution to peace and reconciliation in the Western Balkans, as well as to the development of international criminal justice. It has given a voice to the victims, especially women and children.

The ICTY has also set new standards for providing assistance and support to victims, as well as for capacity-building and outreach. Those projects are important for the Tribunal's legacy. The European Union contributes to the ICTY Outreach Programme for 2013 and 2014.

Progress has been more uneven in the transition to national war crimes prosecutions. Regrettably, some Western Balkan countries continue to face difficulties in prosecuting war crimes cases. Some also suffer from significant backlogs. The European Union has repeatedly emphasized the importance of local ownership and that remains essential. Building the necessary national capacity and increasing public awareness are important elements in that respect, and further efforts are needed.

The International Criminal Tribunal for Rwanda has made an invaluable contribution to our shared goal of ending impunity for genocide crimes and has played a key role in strengthening the rule of law and promoting long-term stability and reconciliation. The apprehension of the remaining fugitives must, however, remain a priority. We reiterate our calls for the effective cooperation of all States concerned, particularly those in the Great Lakes region.

We welcome the transfer of cases to the domestic Rwandan courts for prosecution. To be successful, that process requires the ongoing commitment of both the Rwandan authorities and the international community. More progress must be made in reforming the genocide ideology law, while promoting a future based on genuine reconciliation. If the Rwandan courts are seen to be conducting fair, impartial trials, that will be a significant step forward in the country's transitional process and a major lesson for other countries engaged in transitional justice reform and peacebuilding.

In order to preserve the important achievements and legacy of the ICTY and the ICTR, we support the process establishing the Residual Mechanism of both Tribunals in accordance with resolution 1966 (2010). In that regard, we welcome the launch of the ICTY branch of the Residual Mechanism in The Hague, which will begin to function on 1 July.

We will continue to strongly support both the principle and system of international criminal justice and its integral role in the reconciliation process, and we call on all States to do the same.

The President: I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The initiative to request today's debate originated with the Accountability, Coherence, Transparency Group (ACT), which is dedicated to enhancing the Security Council's working methods. While we appreciate this opportunity to speak, we find it unfortunate that Council was not able to accede to the request of 17 States to hold this important discussion in the context of an open debate, especially given the twentieth anniversary, in late May, of the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY). This is a good opportunity to reflect on the work and impact of the ICTY, on the Council's future work on accountability and on the lessons that the experience with the ad hoc Tribunals has taught us.

I have the honour to speak today on behalf of Albania, Austria, Belgium, Bosnia and Herzegovina, Chile, Costa Rica, Croatia, Estonia, Finland, Hungary, Ireland, Jordan, Montenegro, the Netherlands, Norway, Papua New Guinea, Peru, Slovenia, Sweden, Switzerland, Timor-Leste and Uruguay, as well as my own country, Liechtenstein.

The establishment of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (ICTR) was a milestone in the history of international criminal justice. In that way, the Council acknowledged for the first time that accountability for the most serious crimes under international law is an integral part of the maintenance of international peace and security. In so doing, it asserted itself as the key player it is today in the area of accountability, including through its referral power under the Rome Statute of the International Criminal Court (ICC). The ad hoc Tribunals, in turn, made history through their judicial work, for example, with the first trial against a former head of State before an international tribunal, as well as through ground-

breaking cases such as the *Akayesu* verdict, which established sexual violence as a form of genocide. The Tribunals have also been important for victims, whose sufferings have been acknowledged and whose dignity has, in some measure, been restored. The International Criminal Court built on that experience and enhanced the capacity of the Court by ensuring victims a participatory role in its proceedings.

Without any doubt, the experiences and lessons learned from the ad hoc Tribunals are of great significance to the work of other international tribunals, as in the case of the ICC. However, it is too early to assess the full legacy of either Tribunal, given that some of the most prominent cases are still in the trial phase. At the same time, especially in recent months, their work reminds us that the worst crimes under international law are difficult to prove beyond a reasonable doubt, and that every defendant has the right to due process. If some aspects of the work of the Tribunals continue to be the subject of controversy, that should not cloud our overall judgement or diminish their historical importance.

We firmly believe that the Council should continue to be a key player in ensuring accountability for the most serious crimes under international law. Part of that work will be carried out pursuant to the Council's referral power under the Rome Statute, but there are many other ways in which it — and, indeed, other United Nations organs — can work effectively to ensure accountability, particularly by enhancing the capacity of States that are willing to fight impunity through their national judiciaries. It is very likely, and in our view desirable, that the era of ad hoc Tribunals will soon come to an end. The Council has moved on to different types of accountability work and should continue on that path. But it is essential that we draw some key conclusions from the chapter written by the ad hoc Tribunals.

First, international criminal justice requires diplomatic support and follow-up on the part of the relevant States and institutions. That is particularly important where arrests of indictees are concerned, since they can be carried out only by Member States and will not happen unless States muster the political will and join forces to do so. The history of the ICTY illustrates very clearly that arrests do not happen unless States decide to put their political weight behind the enforcement of arrest warrants. With regard to the International Criminal Court, the Council acknowledged this in adopting its most recent presidential statement on the protection of civilians (S/PRST/2013/2). In concrete cases, however, such follow-up is still often insufficient or lacking altogether.

Secondly, there must be a solid financial basis for international criminal justice mechanisms. The fact that all States Members of the United Nations were obliged to fund the ad hoc Tribunals, for which we have all paid just about $4 billion, was an indispensable part of their functioning. The experience with other international criminal justice mechanisms clearly shows that voluntary funding models do not work. Not only are such tribunals pretty much constantly in financial difficulties, which can delay judicial work, but the voluntary funding can also lead to questions concerning their judicial independence. Any serious accountability work undertaken by the Council in the future should therefore have a solid financial foundation. That means in particular that future ICC referrals should be financed by the United Nations membership as a whole, especially given that those costs are significantly lower than they would be under any new ad hoc mechanism.

Thirdly, for international criminal justice to be effective, there must be ownership in the affected countries. The best way of achieving that is to strengthen national capacities where countries are willing to fight impunity themselves, but lack the means to do so. The experience of the past 20 years has shown that the international community has numerous possible ways to help national justice processes in countries seeking to come to terms with past crimes. They range from hybrid tribunals of the sort employed in Sierra Leone and Cambodia to entities that work entirely within the affected country's legal system, such as Guatemala's Commission against Impunity and the Court of Bosnia and Herzegovina. If a permanent effect is intended, as it should be, investing in national mechanisms also gives the best return for the money invested. International justice and local solutions are not mutually exclusive. Indeed, given the principle of complementarity, such solutions can even be used in conjunction with an ICC referral or in cases where the Court already has jurisdiction, to the benefit of both the ICC and the national processes. This would allow the Court to step in should the local or hybrid solution prove to be unsatisfactory, or indeed unavailable.

Finally, from the perspective of the Council's working methods, the existence of the Informal Working Group on International Tribunals is noteworthy. It is

an important space in which to discuss the interaction between the Council and the international justice mechanisms it has created. We believe, however, that the Security Council should take a broader approach and establish ways of discussing other accountability issues, be they in a purpose-designed working group or in the framework of the Informal Working Group on Tribunals, not least in the light of the institutional linkages between the Council and the ICC. Given the high importance that the Council appears to attach to issues of accountability, they should also be reflected more prominently in the mechanisms through which it communicates with the public, in particular its annual report, the most important tool in that respect. A better reflection on the website would also be helpful. Having the necessary mechanisms in place is one prerequisite for the Council to continue effective accountability work — political will, of course, is another.

The creation of the ICTY 20 years ago was the dawn of the age of accountability. At the heart of this age of accountability is also a realization that issues are intricately linked with international peace and security. We therefore hope that the Security Council will draw the necessary lessons from the past 20 years and continue to make accountability for the worst crimes under international law a priority in its work.

The President: I now give the floor to the representative of the Netherlands.

Mr. Van Den Bogaard (Netherlands): The Netherlands thanks you, Sir, for the opportunity to speak today at this meeting of the Security Council on the International Tribunals for Rwanda and the former Yugoslavia.

We align ourselves with the statements made by the observer of the European Union and the representative of Liechtenstein.

The great interest of States in the debate is an unmistakable sign of the importance that the international community attaches to both Tribunals and their goals. Twenty years ago, the Council recognized that mass slaughter and ethnic cleansing amount to a threat to international peace and security. By creating both Tribunals, the Council courageously undertook to address the most serious international crimes. The result has profoundly changed the international debate. Impunity is no longer acceptable, and the international community has entered into an age of accountability. The work of the two Tribunals has almost come to an end.

The Netherlands today wishes to pay tribute to the Council for having adopted the two relevant resolutions; to the international community for its support; and to those at the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their work in making the vision of the Tribunals come true.

The ICTR has significantly broadened international criminal jurisprudence by being the first court to prosecute suspects for the crime of genocide, by demonstrating that rape may be an act of genocide and by considering the criminal responsibility of the media. It contributed significantly to developing the law regarding criminal responsibility in non-international armed conflict.

The ICTY has been equally successful. All of the indicted have been brought before the Tribunal, including several long-term fugitives. It has contributed substantially to the penalization of grave breaches of international humanitarian law and the further development of customary laws of war.

The Netherlands is proud to host the ICTY and the Appeals Chamber of both Tribunals, and has always been a staunch political supporter of both Tribunals. At the celebration of ICTY's twentieth anniversary held in The Hague last month, in the presence of King Willem-Alexander, various speakers emphasized how crucial the continued political pressure on all parties concerned to cooperate with the Tribunal has been in enabling it to carry out its mandate effectively.

Allow me therefore to seize this opportunity to stress the importance of political, diplomatic and financial support to those and other tribunals. The Council, by being instrumental in establishing them, has a solemn responsibility to ensure that they can do their work. International justice cannot and should not be limited because of lack of political backing from the international community, nor should it be hampered by financial constraints resulting from a system of voluntary financing that threatens the delivery of justice to the communities concerned. There must be a solid financial basis for international criminal justice mechanisms and their residual mechanisms.

The establishment of the International Residual Mechanism for Criminal Tribunals is essential to ensure

that there will be no impunity for remaining fugitives and that appeals will be completed and witnesses protected, well after the closure of the Tribunals.

The historical importance of those two United Nations Tribunals cannot be underestimated. Their legitimacy and their legacy are beyond dispute and will continue to shape international relations for many years to come. The Tribunals have confirmed the principle of accountability for the most serious international crimes by imposing punishment on those responsible and giving victims unprecedented access to justice. They have demonstrated the prevalence of the rule of law in communities affected by such heinous crimes.

The Netherlands remains firmly committed to the fight against impunity for the most serious international crimes, both domestically and internationally. We count on the Security Council to do the same.

The President: There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.15 p.m.